

TOWN OF PORTLAND BOARD MEETING  
VAN BUREN POINT COMMUNITY CENTER  
AUGUST 10, 2016 - 6:30 P.M.

**BOARD MEMBERS PERSENT:**

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

**OTHERS PRESENT:**

Joel Seachrist	Town Attorney
Ron Delcamp	Highway Superintendent
Roxane Sobecki	Town Clerk

Approximately 15 Residents

Supervisor Schrantz opened the Board Meeting at 6:30 p.m. at the community center in Van Buren Point with the pledge to the flag. He stated the Town currently revised the Comprehensive Plan, in the plan it states to promote interaction of lakefront residents with town residents.

**MINUTES**

**08-81-16**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella  
Nays 0

RESOLVED the Portland Town Board approves the Minutes for July 2016 as presented by the Town Clerk.

**DEPARTMENTAL REPORTS**

**08-82-16**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella  
Nays 0

RESOLVED the Portland Town Board approves the Departmental Reports for July 2016.

- Assessor-The State has requested several reports for the Star changes. The Town of Portland's Equalization rate and Status is at 57%, the same as last years.
- Code Enforcement-19 Building/Zoning permits processed, Reviewed 18 sets of plans, Inspections for Construction 19, Inspections for violations 8 and Violation Notices 2.

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- Dog Control-Complaints in the Town 8, Complaints in Village 2, Dogs Seized 6, Dogs redeemed by owners 5.
- Justice Court-Judge Delcamp \$7,732, Judge Criag-\$9,949.
- Town Clerk-Total Disbursements- \$5,221.64.

**TREASURY REPORT**

**08-82-16**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella  
Nays 0

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

**CORRESPONDENCE:**

Supervisor Schrantz read the following:

- Flu Clinic-September 19<sup>th</sup> at the Town Hall from 2-4.

**OLD BUSINESS:**

**VILLAGE/TOWN REPRESENTATIVES:**

Supervisor Schrantz explained to the public the Village of Brocton and the Town will alternate attending each other's meetings to keep the lines of communication open and work on joint services. Town Council Member Patti Farrell will be attending the Village meeting this month.

**TOWN HIGHWAY GARAGE:**

Attorney Brautigam is working the arbitration agreement and will be scheduling a court date.

**CHADWICK BAY:**

The committee is reviewing a County Wide Health Consortium. The next meeting will be 9-11-16 at Shorewood Country Club.

**NORTH COUNTY WATER DISTRICT:**

The agenda for the August 11<sup>th</sup> meeting at the Pomfret Town Hall:

- Clark Patterson Lee Engineering Service Contract.
- Capital Budget 2016.
- Water project design update and process schedule.
- Status of Grant funding.

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Supervisor Schrantz stated the project is moving ahead, the Water District board has applied for a 3 million dollar grant.

**PROPOSED WATER DISTRICT 8:**

All paperwork has been submitted to USDA Rural Development, waiting to see what the funding will be.

**O.A.G. DEMOLITION FUNDS:**

Attorney Seachrist told the Board he has been in contact with Gina Paradis of the Land Bank regarding an asbestos inspection. She stated if the property was extensively damaged, then a controlled demolition would be warranted, and in that case an assessment would not be needed. The Town will need to provide some insights on the extent of the damage to the Land Bank for future guidance.

**GREENCREST DRAINAGE:**

Supervisor Schrantz stated the engineer is still in the process of creating the district. He stated if the Water District 2 improvement project moves forward this may help with some of the drainage issues in the Greencrest area.

**WATER DISTRICT 2 IMPROVEMENT PROJECT:**

This project involves the replacement of approximately 23,000 linear feet of water main valves, hydrants, and appurtenances along various roads within this district in the Town. All paperwork has been submitted for grant money and funding.

**TOWN HALL PARKING LOT:**

Superintendent Delcamp stated his crew will be resurfacing the parking lot the 1<sup>st</sup> part of September.

**ROAD TOUR:**

Supervisor Schrantz stated he will be scheduling a road tour with the Board and Code Enforcement Officer to review properties within the Town.

**DATA COLLECTION:**

Supervisor Schrantz stated the assessor is still entering data from KLV (data collectors) and also has some outstanding issues that KLV needs to correct. Once this is in order a mailing will be sent to all residents to review the updates for any discrepancies.

**NEW BUSINESS**

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**EXCAVATOR:**

Supervisor Schantz told the Board USDA Rural Development has approved a loan of \$162,500 and a grant of \$40,000 for the purchase of an excavator, the next step will be to pass a bond resolution.

**EXCAVATOR BOND RESOLUTION**

**08-83-16**

On a motion of Council Boltz, seconded by Council Farrell the following resolution was adopted by roll call vote

ADOPTED	Boltz	Aye
	Miller	Aye
	Manzella	Aye
	Farrell	Aye
	Schrantz	Aye

BOND RESOLUTION OF THE TOWN OF PORTLAND, NEW

YORK, ADOPTED AUGUST 10, 2016, AUTHORIZING THE

ACQUISITION OF AN EXCAVATOR; STATING THE ESTIMATED

MAXIMUM COST THEREOF IS \$237,000; APPROPRIATING

SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING

THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF

\$237,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF PORTLAND, IN THE COUNTY OF CHAUTAUQUA, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

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Section 1. The Town of Portland, in the County of Chautauqua, New York (herein called the "Town"), is hereby authorized to acquire an excavator. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$237,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$237,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$237,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level

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or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Dunkirk Observer*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

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TOWN OF PORTLAND, NEW YORK

PLEASE TAKE NOTICE that on August 10, 2016, the Town Board of the Town of Portland, in the County of Chautauqua, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Portland, New York, adopted August 10, 2016, authorizing the acquisition of an excavator; stating the estimated maximum cost thereof is \$237,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$237,000 to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire an excavator; STATING the aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$237,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$237,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$237,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$237,000 bonds will exceed five (5);

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FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: August 10, 2016  
Brocton, New York

Roxanne Sobecki  
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

**BUDGET 2017:**

Supervisor Schrantz stated all department heads should submit their budget for 2017 no later than September 9<sup>th</sup>.

**POLITICAL SIGNS:**

Supervisor Schrantz stated there have been questions regarding political signs, Town Zoning Ordinance Section 806, section 3 b) Political signs up to 10 square feet in size shall be allowed 4 weeks before and 1 week after the election and shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement.

Attorney Seachrist spoke saying this has been an issue in the paper across the country, according to a Supreme Court ruling this is unconstitutional and against citizens 1<sup>st</sup> Amendment rights.

Much of the discussion was inaudible.

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**PLANNING BOARD VACANCY:**

Supervisor Schrantz stated the planning board is seeking to fill a vacancy with a term to expire December 31, 2020; a letter of interest may be submitted to the Town Clerk. Supervisor Schrantz said it is difficult to find residents to serve on the planning/zoning boards, he asked board members Manzella and Boltz to look at other Towns policies and if stipends are given.

**DOG CONTROL:**

Supervisor Schrantz asked board members Farrell and Manzella to review the leash law in Greencrest and to meet with the Dog Control Officer to review an ongoing dog issue.

**MARMADUKE COMMITTEE:**

Council Boltz informed the Board the railings on the steps to the statue will soon be installed, the committee is working on the brick walkway. Bricks can still be purchased.

**MUSEUM:**

Museum hours are Saturday and Sunday 12-4.

**HIGHWAY:**

A 10 cent per gallon fee for the fuel depot has been added to cover additional expenditures.

Chautauqua County Legislator Mark O'Dell spoke to the board about Climate Smart Communities Grants through the DEC and NYSEERDA.

**PAY BILLS**

**08-84-16**

On a motion of Council Farrell, 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 Bills for August 2016.

GENERAL FUND	\$6,085.24
TOWN OUTSIDE VILLAGE	\$197.81
HIGHWAY TOWNWIDE	\$147.14
HIGHWAY OUTSIDE VILLAGE	\$14,126.45
LIGHT	\$464.54
WATER	\$103.72

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**PUBLIC COMMENT:**

Greencrest Residents addressed the Board on the urgency of a drainage district in the Greencrest area.

Supervisor Schrantz stated the engineer is working on the formation of the district, he also stated the Water District 2 project may help alleviate some of the drainage issues. Discussion followed with the Board and residents on the proposed drainage district. Supervisor Schrantz told them once the engineer is finished with the Map, Plan, and report the Town will be scheduling a meeting. Van Buren Point residents also stated they have a drainage issue, Supervisor Schrantz and the Board stated this could possibly be incorporated into one district with Greencrest. Supervisor Schrantz reviewed the equalization rate. Residents asked when the traffic light at the tunnels on Lake Ave. would be replaced. Supervisor Schrantz stated this is a Village/County issue, which they are working on a solution to. Residents asked if the Board was aware of Don Frame Trucking potentially converting fly ash into concrete. Supervisor Schrantz stated he has also heard this, but does not know any of the details. Much of the discussion was inaudible.

Supervisor Schrantz thanked the residents for hosting the meeting at the community center in Van Buren Point. He stated due to the fact that the Community Center will be in use at 8:00 on a motion of Council Miller, seconded by Council Boltz at 7:50 p.m. the board will reconvene the meeting to the Portland Town Hall.

**TOWN HALL**

On a motion of Council Farrell, seconded by Council Miller the Board at 8:10 p.m. continued the meeting.

**EXECUTIVE SESSION**

On a motion of Council Miller, seconded by Council Boltz on request of the Supervisor the Board moved into Executive Session at 8:11 p.m. to discuss the personal with the water department supervisor regarding private information.

On a motion of Councilmember Manzella, seconded by Councilmember Boltz the Board returned to regular session at 8:55 p.m.

With no further business, on a motion of Councilmember Miller, seconded by Councilmember Manzella the meeting adjourned at 8:56 p.m. Carried unanimously.

Respectfully Submitted by,

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Roxane Sobecki-Town Clerk

On a motion of Council