

TOWN OF PORTLAND BOARD MEETING
PORTLAND TOWN HALL
SEPTEMBER 14, 2016 - 7:00 P.M.

BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Joel Seachrist	Attorney
Ann Belcher	Reporter
Ron Delcamp	Highway Superintendent
Ken Becker	Deputy Highway Superintendent
Carol Horlacher/Gary Planty	Village Trustees
Approximately 5 Portland Residents	
Roxane Sobeki	Town Clerk

Supervisor Schrantz opened the Board Meeting at 7:05 p.m. with the pledge to the flag.

MINUTES

09-85-16

On a motion of Council Boltz, 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 Minutes from the August 10, 2016 Board Meeting.

DEPARTMENTAL REPORTS

09-86-16

On a motion of Council Manzella, 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 Departmental Reports for August 2016 as presented.

- Water Department
- Town Justice-\$26,799.00 submitted-280 traffic, 1 penal, 7 DWI, 1 Zoning, 1 adjournment, 16 state lift suspension fees.
- Assessor-5 County auction transfers, 6 parcel sales for July.
- Dog Control-6 complaints in Town, 2 Complaints in Village, 6 dogs seized.

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- Code Enforcement-13 Building/Zoning permits, reviewed 12 sets of plans, Inspections-15, Inspections for violations 9, Violation Notices 0.
- Town Clerk-Total Disbursements for August 2016-\$4,158.20

TREASURY REPORT

09-87-16

On a motion of Council Boltz, 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 Treasury Report as presented by the Supervisor.

CORRESPONDENCE:

Supervisor Schrantz read the following correspondence:

- Letter of interest for the vacancy on the Planning Board from Dan Thompson.
- NYSDOT-funding for TAP
- Chautauqua County Emergency Services-workshop September 24th from 8am-1pm, Jamestown Community College.
- Cattaraugus County Municipal Officials Associations monthly meeting will be held in Ellicottville October 13th with NYCOM.

PUBLIC COMMENT:

Jim Simmons of Van Buren Point addressed the Board regarding the proposed Drainage District for the Greencrest area. He asked the Board on behalf of the Van Buren Point residents to please include the Point in that drainage district. He stated it is costing at least \$30,000 a year for drainage issues within the Point. Supervisor Schrantz told the residents he has talked with the engineer about adding Van Buren Point to the Greencrest drainage application or forming two separate districts, they will be reviewing different funding scenarios. Supervisor Schrantz suggested sitting down with VBP's engineer and the Town's to review water lines and drainage issues. Supervisor Schrantz stated he will keep them updated.

Penny Rothwell asked the Board to enact a noise ordinance. She reviewed with the Board some of the issues she and other neighbors are having with excess noise from a neighbor. She stated she cannot keep her windows and doors open. Attorney Seachrist stated some Town's do have noise ordinance or nuisance laws but they are very hard to enforce. Supervisor Schrantz told Ms. Rothwell this issue will be reviewed.

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VBP resident Peggy Stubbs thanked the Board for holding the August Board Meeting at the Point, and keeping the communication open regarding the possible fly ash issue.

OLD BUSINESS:

VILLAGE/TOWN REPRESENTATIVE

Village Trustees Carol Horlacher and Gary Planty gave the Board the following updates:

- Gave an update of the Summer Youth Recreation program which is funded by the Village and Town with the Brocton School sharing their facility and input from the Library and Chautauqua County Youth Bureau. Chautauqua Opportunities provides the meals. Trustee Planty stated this is a good example of shared service. They stated the program was a success. Supervisor Schrantz thanked the Village for being the lead agency and all the work that's involved.
- Discussed possibly a proposition in place on the ballot for March 2017 to move the Village election to lineup with the general election starting November 2019.
- Discussion to abolish the office of Village Justice. Board discussed when this would have to go on the ballot.
- Copy of the Town's Comprehensive Plan, Mr. Planty stated this is a Bookmark and very well done. One thing in the Plan is communication. The Village website is up and running at villageofbrocton.org
- Slippery Rock Bridge on Route 20 is going to be replace in 2017, will be closed for about 6 weeks. Along with this the drainage issue will also be looked at.
- The Village water line replacement is 80% done.

Councilman Miller stated he read the Village would like to start a Local Development Corp., he stated there is already one in place which stated in the late 70's early 80's, and is always looking for new members.

Supervisor Schrantz thanked Mr. Planty and Ms. Horlacher for attending.

TOWN HIGHWAY GARAGE:

All parties have signed the situation agreement which has been sent to the County Clerk. The next step will be selecting an arbitrator.

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CHADWICK BAY/NORTH COUNTY WATER PROJECT:

- North County Water Project 1, which is the water line from Dunkirk to Brocton, is 95% complete, will be going out to bid soon.
- Contract 2 is the Holding Tank at the Village property, researching a glass line steel or concrete tank.
- Looking at a 16 inch line along Route 5.
- Try to keep all the same hydrants for the districts.
- The projects needs to know by the first part of October what Fredonia is going to do, If they do not join the district they are going to try and reallocate the million dollar grant to another part of this project.
- NYS may start to create funding for water similar to the CHIPS funding for highways.

Supervisor Schrantz stated the Town of Pomfret is passing a local law on Solar Insulation which he will turn over to the Planning Board for their review.

WATER DISTRICT 8:

All paperwork has been submitted.

O.A.G. DEMOLITION FUNDS:

Supervisor Schrantz informed the Board that Asbestos samples were taken at the Pecor Street House, just waiting for results.

TOWN HALL PARKING LOT:

Supervisor Schrantz thanked Highway Superintendent Delcamp and his crew for the nice job they did on the parking lot.

PARKING LOT STRIPING

09-88-16

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

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

RESOLVED The Portland Town Board will hire Lake Shore Paving to strip the Town Hall Parking Lot at the original layout at a cost of \$895.00.

WATER DISTRICT 2 IMPROVEMENT PROJECT:

Supervisor Schrantz told the Board the engineer is working on the application to sent to USDA.

CONSOLIDATING FUND GRANT-REGIONAL WATER BILLING:

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Supervisor Schrantz stated all paperwork has been submitted, if the grant is not received all the municipalities will still move forward with possible regional water billing.

EXCAVATOR GRANT:

Clerk Sobeki told the Board the following steps that need to be done before the grant/loan is received:

- An executed copy of the Certificate of No Referendum and the original Affidavit of Publication has to be posted and sent to Bond Council.
- A final draft of the proposed Final Opinion.
- A final draft Details Resolution.
- A final draft of the proposed Maturity Schedule.
- Board Resolution authorizing final payment.
- Equipment ID Number.
- Copy of closing Statements.
- Evidence of Insurance.

SALE OF VOLVO EXCAVATOR

09-89-16

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 Town Board approves the Town of Granger to purchase the Volvo170 wheeled Excavator at a cost of \$22,500.00 pending the loan/grant funding from USDA.

BUDGET 2017:

Supervisor Schrantz called a Special Meeting on October 3, 2016 at 7:00pm to present the Tentative Budget.

BOARD OF ASSESSMENT AND REVIEW

09-90-16

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 re-appoints Roxanne McFadden to the Board of Assessment and Review commencing October 01, 2016 thru September 30, 2021.

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PLANNING BOARD

09-91-16

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

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

Nays 0

RESOLVED the Portland Town Board appoints Daniel Thompson to the Planning board to fill the vacancy of Jo'el Lapp. The term starts immediately thru December 31, 2020.

JCAP GRANT

09-92-16

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

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

Nays 0

RESOLVED the Portland Town Board supports the Portland Justice Court to apply for the 2016-2017 Justice Court assistance Program (JACP) Grant.

Supervisor Schrantz told the Board he and the Clerk Sobecki meant with Don McCord, Pat Gooch and Nate Aldrich of the Chautauqua County Planning and Economic Development to discuss the 2017 Round of Consolidated Funding Applications. Some of the grant opportunities are TAP (Transportation Alternatives Program). This is an 80/20% grant with a deadline of October 21st. Supervisor Schrantz discussed with the Board one possible project would be a sidewalk from the School to the Hamlet of Portland. After some discussion due to cost and time constraints the board decided not to pursue the grant at this time.

MARMADUKE COMMITTEE:

Councilman Boltz informed the Board the Marmaduke Committee is researching the cost of having a security camera installed by the statue. The Board discussed installing cameras in the Town Hall parking lot, Supervisor Schrantz asked Councilman Boltz to research the cameras and cost involved. The Board discussed replacing the lights for the parking lot with LED lighting.

BOARD MEMBERS:

Councilman Manzella reported that Council Farrell and he meant with the Dog Control to review the concerns with a dog issue on Patterson Lane and to also review the Town's leash law for Greencrest. Dog Control Officer Grover has no problem with the law.

Councilman Manzella reported he investigated paying stipends to Planning Board Members. Out of the Ten Township's contacted 5 pay nothing, some pay just zoning

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members and some pay both planning a zoning members. Councilman Manzella and Boltz attending the last Planning Board meeting to ask the members their feelings on a stipends, discussion was a 1/3 or 1/2 of the Town Board's salary. After some discussion Councilman Manzella stated he would not be opposed to \$50.00 per meeting if you attend. The Board decided to review this when doing the Budget.

Councilman Manzella asked the Town Attorney if he felt the Zoning code was adequate. Attorney Seachrist told the Board he feels the town code needs a universal overhaul. He told the Board he would like to go into executive session on a court issue.

Councilman Manzella told the Board he has reviewed the issue with Water Account No. 5070 and a refund is in order. He stated he has talked with the Water Supervisor and there was an issue with the meter, which has been replaced.

WATER REFUND

09-93-16

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

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

Nays 0

RESOLVED the Portland Town Board agrees to refund Water Account No. 5070 in the amount of \$54.30 and waive all late fees.

Supervisor Schrantz told the Board Water Customer No. 2075 purchased there home and never wanted water, the home was gutted and they didn't even know the water was on. There is an outstanding bill of \$211.58.

WAIVE WATER BALANCE

09-94-16

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 agrees to waive the water balance of \$211.58 on Water Account No. 2075.

REVERSE LATE FEE

09-95-16

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

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

Nays 0

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RESOLVED the Portland Town Board agrees to reverse the late fee on Water Account No. 2125 in the amount of \$14.15.

PUBLIC HEARING/WIND ENERGY

09-96-16

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

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

RESOLVED the Portland Town Board will hold a Public Hearing to consider the application for a Special Use Permit for Trebor, LLC to construct a 140' Wind Energy Conversion System, on property located at 8814 Onthank Road, Portland. This Public Hearing will be held after the Special Meeting to present the Tentative Budget at 7:00 p.m. on October 3, 2016 at the Portland Town Hall.

WATER DEPARTMENT:

Supervisor Schrantz stated he would like to have a time clock installed at the Town Highway Garage for the Water Supervisor to use. He said he will be checking with the Union for the Highway workers to also use.

TIME CLOCK

09-97-16

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

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

RESOLVED the Portland Town Board authorizes the Highway Superintendent to purchase and install a time clock at the Highway Garage.

HIGHWAY DEPARTMENT:

Highway Superintendent Delcamp told the Board the Highway Garage was damaged by lighting and the cameras were damaged, he will be replacing the Digital Video Recorder and Monitor at a cost of \$970.00.

Superintendent Delcamp informed the Board the 2011 Ford Pickup Truck used by the water department sold at Auctions International for \$7,600. The Kelley Blue Book cost of the 2013 Ford Pickup Truck is \$17,000. The Water Department owes the Highway a Difference of \$9,400.

**RESOLUTION ACCEPTING PORTIONS OF ROADS AS TOWN HIGHWAYS
FOR PURPOSES OF THE LOCAL HIGHWAY INVENTORY**

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09-98-16

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

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

Nays 0

WHEREAS, the New York State Department of Transportation ("NYSDOT") is conducting a Statewide GIS Public Roads Network Project, the purpose of which is to reconcile the roads shown in the Geographic Information System Network created by the NYSDOT with the records maintained in the Local Highway Inventory ("LHI"), and

WHEREAS, NYSDOT has advised the Town of Portland that it should adopt a resolution accepting as town highways portions of four roads already worked by the Town Highway Department which will then be added to the LHI,

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Portland, Chautauqua County, New York, hereby consents that the Highway Superintendent make an order laying out the following sections of roads as town highways, and that the Local Highway Inventory be revised accordingly:

1. Onthank Road, from Pecor Street to its dead end, for a distance of 1,998 feet;
2. West Forest Avenue, from East Forest Avenue to its dead end, for a distance of 1,321 feet;
3. Munson Road, north of New York State Route 20, adding 633.6 feet or .12 miles to its existing dead-end to the railroad; and
4. Munson Lane, from Bliss Road to Plank Road, for a distance of 1,693 feet.

TAX LIENS

09-99-16

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

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

Nays 0

RESOLVED the Portland Town Board establish November 1, 2016 as the last day to pay arrears on water bills prior to sending all delinquent bills to the County as Tax Liens.

BUDGET TRANSFERS

09-100-16

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

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

RESOLVED the Portland Town Board approves the following Budget Transfers for September 2016.

GENERAL FUND TOWNWIDE

\$5,000 FROM A1420.1 ATTORNEY PERSONAL SERVICES
TO A1420.4 ATTORNEY CONTRACTUAL

WATER DISTRICT 3

\$435 FROM SW8320.4 SOURCE SUPPLY CONTRACTUAL
TO SW8310.4 WATER ADMINISTRATION CONTRACTUAL

PAY BILLS

09-101-16

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 authorizes the Bills for September 2016 paid.

GENERAL FUND	\$26,500.91
TOWN OUTSIDE VILLAGE	\$399.75
HIGHWAY TOWNWIDE	\$303.74
HIGHWAY OUTSIDE VILLAGE	\$160,791.00
LIGHT	\$488.31
WATER	\$83,450.15

EXECUTIVE SESSION

On a motion of Council Manzella, seconded by Council Farrell on request of the Attorney Seachrist the Board moved into Executive Session at 9:07 p.m. to discuss litigation with a court case.

On a motion of Council Manzella, seconded by Council Boltz the Board returned to regular session at 9:30 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,

Roxane Sobecki-Town Clerk

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