

RE-ORGANIZATIONAL/TOWN BOARD MEETING  
PORTLAND TOWN HALL  
JANUARY 11, 2023 – 6:00 P.M.

**BOARD MEMBERS PRESENT:**

Richard Lewis	Supervisor
Patti Farrell	Council
Tammy Thompson	Council

**ABSENT:**

Gary Miller	Council
Dave McIntyre	Council

**OTHERS PRESENT:**

Joel Seachrist	Attorney
Ken Becker	Highway Superintendent
Barb Smith	Town Clerk

4 members of the public

The Affidavit of Publication to hold the Annual Organizational Meeting was posted in the Observer on January 5, 2023.

Meeting called to Order by Supervisor Lewis at 6:02 p.m. with the Pledge to the flag.

Supervisor Lewis and the Board reviewed the Re-organizational and Procurement policy for 2023.

**RE-ORGANIZATIONAL/PROCUREMENT POLICY 2023**

**RESOLUTION 01-2023**

On a Motion of Council Thompson, seconded by Council Farrell the board made the following resolution:

ADOPTED Ayes 3 Lewis, Farrell, Thompson

Nays 0

Absent 2 Miller, McIntyre

RESOLVED the Portland Town Board approves the Re-Organizational and Procurement Policy for 2023:

## **Re-Organizational - 2023**

**DESIGNATION OF MEETING NIGHT** BY THE SUPERVISOR RESOLVED that the official meeting night for the Town of Portland Board shall be the second Wednesday of each month at **6:00 p.m.**

**DESIGNATION OF OFFICIAL NEWSPAPER** BY THE SUPERVISOR RESOLVED that the Dunkirk Observer shall be the official newspaper for the publication of the Town's legal notices.

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**TOWN BOARD SALARIES** BY THE BUDGET OFFICER WHEREAS, the Town Board for the Town of Portland set individual town salaries in the town budget, advertised such salaries and held a public hearing on them; THEREFORE, BE IT RESOLVED; Pursuant to Section 27(1) of the Town Law, salaries shall be set in the amount of the annual Town Budget.

**SETTING HIGHWAY EMPLOYEES HOURLY RATE OF PAY** RESOLVED the hourly rate of pay of all full-time highway employees under the CSEA Agreement shall be **\$25.10 per hour** per Contract. First Year Employees 90% of rate, Second Year Employees 100% of rate.

**SETTING ALL OTHER SALARIES & HOURLY EMPLOYEES RATE OF PAY**

Supervisor	\$8,615/year
BUDGET OFFICER	\$1,503/year
Councilperson (4)	\$3,375/year (each)
Superintendent of Highways	\$63,951
Town Justices (2)	\$11,951/year (each)
Court Clerk	\$21.18 (per contract)
Assistant Court Clerk	\$16.08/per hour
Town Clerk	\$34,039/year
Tax Collector	\$8,755/year
Deputy Tax Collector	\$16.08 per hour
Assessor	\$33,756/year
Dog Control Officer	\$9,167/year
Zoning & Inspection Officer (Full time)	\$27.30 per hour
Clerk II	\$16.08 per hour
Historian-Museum	\$16.08 per hour

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**DESIGNATION OF BANK DEPOSITORIES AND AUTHORIZING DEPOSIT AND INVESTMENT OF ALL TOWN MONEY BY THE BUDGET OFFICER**

WHEREAS, Section 11 of the General Municipal Law provides that the town may authorize the Supervisor to deposit or invest money not for immediate expenditure in a special deposit accounts or certificate of deposit issued by a bank,

RESOLVED, the Town Board authorizes the use of online banking service through M&T Commercial services with the following persons having user access: Supervisor Richard Lewis, and Town Accountant Daniel Laurito of Bahgat & Laurito-Bahgat.

THEREFORE, BE IT RESOLVED, M&T Bank, New York, Community Bank, N.A., New York; and NY Class be designated as the official depositories for deposits of all money received by the Supervisor and all other Town Officers, and the Supervisor is authorized to invest in the United States Government Securities approved by the State Comptroller,

THEREFORE, BE IT FURTHER RESOLVED; the Supervisor is hereby authorized to determine the rate and time of the payment of interest on the above authorized deposits and investments.

**DESIGNATION OF ACCOUNTANT/BOOKKEEPING SERVICES** by the Town Board Resolved the Supervisor is authorized to sign the 2021 Bookkeeping Services with Bahgat & Laurito-Bahgat Certified Public Accountants & Advisors at a rate of \$1,525 per month.

**APPOINTING DEPUTY SUPERVISOR** WHEREAS, from time to time the Supervisor needs the deputy to act for him in making deposits, sign of payroll checks and receiving supplies from the Board of Elections, County Clerk, and other such official acts that he may not be able to do himself; THEREFORE, BE IT RESOLVED, Pursuant to Section 42 of the Town Law, that the Supervisor **appoints Gary Miller, Deputy Supervisor**, without salary for a period of one year from January 01, 2022 through December 31, 2023.

**APPOINTMENT OF TOWN BOARD COMMITTEES BY THE SUPERVISOR**

**APPOINTMENT OF TOWN BOARD COMMITTEES:**

**2023**

HIGHWAY	Gary Miller	Tammy Thompson
AUDIT	Dave McIntyre	Tammy Thompson
YOUTH	Patti Farrell	Tammy Thompson
PARKS & MUSEUM	Patti Farrell	Tammy Thompson
INSURANCE	Gary Miller	Patti Farrell

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(CBI) WATER	Gary Miller	Dave McIntyre
BUILDING	Dave McIntyre	Tammy Thompson
DOG CONTROL	Patti Farrell	Tammy Thompson
NEGOTIATION	Gary Miller	Dave McIntyre
CABLE	Patti Farrell	Tammy Thompson
PLANNING BOARD & ZONING BOARD	Gary Miller	Patti Farrell
JUSTICES	Dave McIntyre	Patti Farrell
ASSESSING	Dave McIntyre	Patti Farrell
JOINT SERVICES	Gary Miller	Dave McIntyre
FIRE DEPARTMENT	Gary Miller	Tammy Thompson
FUEL DEPOT	Gary Miller	Dave McIntyre
LIBRARY	Dave McIntyre	Patti Farrell
SOLAR/WIND	Gary Miller	Tammy Thompson

**MILEAGE RATE** BY THE SUPERVISOR RESOLVED, that the Town of Portland shall pay **.625** cents per mile for the use of private vehicles for Town Official, when on town business for 2023.

**APPOINTMENT OF SUPERINTENDENT OF FIRES AND FIRE WARDENS** BY THE TOWN BOARD RESOLVED that Pursuant to Town Law Section 29(12) Jerry Boltz shall be designated to act as Superintendent of Fires for the ensuing year in the case of the absents of the Town Supervisor and Pursuant to Section 3-1911 of the Conservation Law, the Town Board appoints the following Fire Wardens from January 02, 2023 through December 31, 2023-**Harold Smith, Tim Farnham, and Jim Deakin, without salary.**

**APPOINTMENT OF DOG CONTROL OFFICER** BY THE TOWN BOARD

RESOLVED, that **Gloria McCormick** is re-appointed Dog Control Officer for the Town of Portland beginning January 01, 2023 at a rate of pay of \$9,167/year, with **Rich Carpenter** acting as Deputy Dog Control Officer with a salary not to exceed \$400.00.

**PROCUREMENT POLICY BY THE TOWN BOARD**

RESOLVED the Portland Town Board adopts the Town Procurement Policy for 2023.

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**PRIOR APPROVAL FOR PURCHASES UP TO \$5,000.00 BY THE HIGHWAY SUPERINTENDENT AND \$500.00 BY THE SUPERVISOR** RESOLVED, that the Superintendent of Highways be authorized to purchase any small piece of hand equipment and parts to replace tools and implements for the Highway Department in the amount not to exceed \$5,000.00 per single item without prior approval of the Town Board; for the purchase of any piece of equipment or supplies in excess of the amount pursuant to the Town Board Procurement Policy; THEREFORE BE IT FURTHER RESOLVED, that the Supervisor be authorized to purchase any necessary equipment and supplies needed for the Town Board in the amount not to exceed \$500.00 per single item for the year beginning January 01, 2023.

**APPOINTMENT TO THE PLANNING BOARD** BY THE TOWN BOARD RESOLVED David Travis to the Planning Board for a five -year term beginning January 01, 2023 through December 31, 2027.

**RE-APPOINTMENT OF CHAIRMAN TO THE PLANNING BOARD** BY THE TOWN BOARD RESOLVED, that Dale Carlson appointed as Chairman of the Planning Board for a one -year term beginning January 01, 2023 through December 31, 2023.

**RE-APPOINTMENT OF THE ZONING BOARD OF APPEALS** BY THE TOWN BOARD RESOLVED, that two **Vacant positions** appointed to the Zoning Board of Appeals for a Five-year term beginning January 01, 2023 through December 31, 2027.

**RE-APPOINTMENT OF CHAIRMAN OF THE ZONING BOARD OF APPEALS** BY THE TOWN BOARD RESOLVED that **Lowell Reynolds** is re-appointed as Chairman of the Zoning Board of Appeals for a one - year term beginning January 01, 2023 through December 31, 2023.

**DESIGNATION OF LEGAL COUNSEL** BY THE TOWN BOARD RESOLVED that **Joel Seachrist Law Offices, P.C.** is appointed Attorney for the Town of Portland at a rate of \$140.00 per hour and the Supervisor is authorized to enter into a retainer agreement for a period of January 01, 2023 through December 31, 2023. BE IT FURTHER RESOLVED, that should a conflict of interest arise, the Town Council Board will retain another attorney of choice.

**APPOINTMENT OF DEPUTY HIGHWAY SUPERINTENDENT** BY THE HIGHWAY SUPERINTENDENT RESOLVED, that **Rick Comstock** is appointed Highway Deputy Superintendent for a one- year term beginning January 01, 2023 through December 31, 2023 with a \$1,900.00 annual salary.

**APPOINTMENT OF LOCAL HISTORIAN BY THE SUPERVISOR** RESOLVED, that **Rob Pawlak** is appointed as TOWN HISTORIAN beginning January 01, 2023 through December 31, 2023.

**APPOINTMENT OF REGISTRAR OF VITAL STATISTICS** BY THE SUPERVISOR RESOLVED, that **Barbara Smith**, Town Clerk, be appointed the Registrar of Vital Statistics beginning January 01, 2023 through December 31, 2023.

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**APPOINTMENT OF DEPUTY TOWN CLERK AND REGISTRAR OF VITAL STATISTICS** BY THE TOWN CLERK RESOLVED, that **Carolyn Magnuson and Roxane Sobecki** be appointed to a one- year term as Deputy Town Clerks beginning January 01, 2023 through December 31, 2023 at an hourly rate of \$16.08, and BE IT FURTHER RESOLVED that Carolyn Magnuson and Roxane Sobecki be appointed to a one- year term, beginning January 01, 2023 through December 31, 2023, as Deputy of Registrar of Vital Statistics, without salary.

**APPOINTMENT OF DELEGATE TO THE LAKE ERIE CONCORD GRAPE BELT HERITAGE ASSOCIATION, INC.** BY THE TOWN BOARD RESOLVED, that **Robert Patterson Sr.**, be appointed as delegate from the Town of Portland to the Lake Erie Concord Grape Belt Heritage Association beginning January 01, 2023 through December 31, 2023.

**AUTHORIZING TOWN SUPERVISOR TO SIGN SHARED SERVICE AGREEMENT WITH THE COUNTY** RESOLVED, that the TOWN SUPERVISOR FOR THE TOWN OF PORTLAND be authorized to sign the Shared Service Agreement and any addendums for the year 2023.

**APPROVING THE TOWN BOARD TO PAY ASSOCIATION OF TOWNS DUES** that the Town Board for the Town of Portland pay the Annual Town Association Membership Dues for the year beginning January 01, 2023 as authorized by Article 8 of the Town Law. These dues are computed from the latest complete information of the Town’s “Total Town Revenue” as reported to the Office of the State Comptroller.

**APPOINTMENT OF DEPUTY TAX COLLECTOR BY THE TAX COLLECTOR** RESOLVED, that **Diane Grover** is appointed as Deputy Tax Collector for a one- year term beginning January 01, 2023 through December 31, 2023 at \$16.08 per hour.

**APPOINTMENT OF SECRETARY TO THE PLANNING BOARD,** RESOLVED, that the secretary to the Planning Board shall be paid a \$50.00 stipend for each meeting beginning January 01, 2023 through December 31, 2023, not to exceed 12 meeting within the year.

**ZONING/PLANNING BOARD** RESOLVED, pay rate for Zoning and Planning Board members are **\$500** for chairman and **\$300** for members for the year 2023. Stipend will be paid in December; pay will be prorated if term served is less than a year.

**MINUTES:**

**RESOLUTION 02-2023**

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

ADOPTED Aye 3 Lewis, Farrell, Thompson

Nay 0

Absent 2 Miller, McIntyre

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

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**DEPARTMENTAL REPORTS:**

**RESOLUTION 03-2023**

On a motion of Council Thompson, seconded by Council Farrell the following resolution was ADOPTED Aye 3 Lewis, Farrell, Thompson

Nay 0

Absent 2 Miller, McIntyre

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

Monthly reports received and filed:

- Town Clerk
- Code Office
- Assessor
- Justice
- Dog Control

**TREASURY REPORT:**

**RESOLUTION 04-2023**

On a motion of Council Farrell, seconded by Council Thompson the following resolution was ADOPTED Aye 3 Lewis, Farrell, Thompson

Nay 0

Absent 2 Miller, McIntyre

RESOLVED The Portland Town Board approves the Treasury Report for December 2022 as presented by the Town Clerk.

**CORRESPONDENCE:**

Supervisor had The Concord Grape Belt Heritage Association, Inc. letter. This year's meeting is on January 12, 2023. Supervisor Lewis will not be able to attend, conflict with North County Water Meeting.

Supervisor Lewis presented letter from Southern Tier West if Town was interested in CAP Membership renewal. The membership was not renewed in 2022.

Supervisor Lewis shared NYCLASS Summary Statement with Board.

**PUBLIC COMMENT:**

Mr. Robert Patterson Sr., who resides on Onthank Road, Portland presented water filters from his house to show contents of what water is doing to their filters. He explained there is sand in pet dishes. Mr. Patterson proceeded to explain when water lines were installed and supposed to be maintained three or four years ago. Water hydrants have not been flushed. Discussion continued between Mr. Patterson, Superintendent Becker and Supervisor Lewis. Superintendent Becker stated Town was brought into project that CBI water started. Mr. Patterson stated his concern about chlorination of water. He feels

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there is no chlorination. Supervisor Lewis stated the Chlorination stations on Pecor and Lake are not being used. The discussion continued regarding water situation with Town and CBI.

Mr. Patterson concerned about trees on Luensman Overlook. Trees are overgrown prohibits views. Supervisor Lewis question who owns the Overlook? Superintendent Becker said the County owns and maintains.

Mr. Patterson wondered about the Water Line Extension to 21 Brix. Supervisor Lewis and Council Miller met with the owners, Jordan's and the Town has not received any response from them at this date. Supervisor Lewis stated the Town was going to \$50,000.00 in ARPA funding for the project. The discussion continued about possible grants. Town was rejected on WD #2 grant for additional funds. That being said grants are very difficult to receive. Mr. Seachrist, Town Attorney said New York State does not like water lines extended outside Villages.

Marty Webster a Van Buren Residence questioned how the WD #2 project is going? Supervisor Lewis stated the project is in the final stages and final design is done. Project is out for approvals now, Rural Development has to approve final plans, just waiting on a few easements that are holding up process. If easement get handled Supervisor Lewis would like it to go out for Bid in February. Supervisor Lewis is hoping to start project in early Spring. It will depend on Bidding process and materials. Marty Webster concerned with their peak season and their road project. The Town will work with Van Buren Residences during their peak season with water project.

Linda Warner, a Van Buren Residence would like the contact information for Shore Haven Association. Question on the Air B and B's. Town Clerk will provide Linda with name for contact person for Shore Haven.

## **OLD BUSINESS**

### **CBI:**

Supervisor Lewis stated not a lot to report on.

### **WD #2 PROJECT:**

Supervisor Lewis stated final drawings are submitted to Rural Development for final approval. Final approval will not be complete until the final easements are received. Supervisor Lewis would like Bidding process to begin in February with project starting in the Spring.

### **GREENCREST/VAN BUREN POINT DRAINAGE:**

Supervisor Lewis - nothing to report.



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**WATER EXTENTION - 21 BRIX, ONTHANK ROAD:**

Supervisor Lewis and Council Miller met with the owners of 21 Brix. The Owners were going to think over and get back to Supervisor Lewis and Council Miller. To date, there has no response from Owner of 21 Brix.

Onthank Road needs final water test and install flusher.

**ARPA FUNDS:**

Supervisor Lewis made a spreadsheet of Allocated ARPA Funding. The spreadsheet indicates what monies have been spent and upcoming projects where the money will be spent.

**NEW BUSINESS:**

**MUSEUM/ROOF:**

Supervisor Lewis would like to discuss at a later date when more information is available.

**TOWN OF PORTLAND LAWNMOWING FOR 2023:**

Supervisor Lewis and Superintendent Becker spoke with John Deere to purchase a mower for the Town which is a John Deere Z930M ZTrak for \$13,246.31 Price effective date January 8, 2023. Supervisor Lewis stated with the monies the Town paid to outsource mowing in the past this mower would be paid for in two years.

**RESOLUTION 05-2023**

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

ADOPTED Ayes 3 Lewis, Farrell, Thompson

Nays 0

Absent 2 Miller, McIntyre

RESOLVED The Portland Town Board approves the purchase of a John Deere Z930M ZTrak at \$13,246.31 with ARPA Funds. Contract: NYS Landscaping Grounds PC69683 (PG XN CG 22).

**TOWN BOARD MEMBERS/TOWN CLERK:**

Nothing to report from Board Members or Town Clerk.

**HIGHWAY DEPARTMENT:**

Superintendent Becker stated the man-lift is supposed to be delivered to Buffalo at the end of February. Almost two years later. It will manly be used for tree trimming.

Council Farrell question will Highway Department be cleaning up dirt piles on lawns in the Spring from plowing? Superintendent Becker replied yes.

Superintendent Becker spoke with the vendor we ordered the truck from. We are on track with the truck. The Truck is supposed to be built at the end the month, then go to the body installer.

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Superintendent Becker said he is taking Application for vacant Highway Department position.  
Council Thompson posed the question can we use other sources of advertisement for employment?  
Council Thompson suggested Indeed as a source.

**BILLS:**

**RESOLUTION 06-2023**

On a motion of Council Thompson, seconded by Council Farrell the following resolution was  
ADOPTED Aye 3 Lewis, Farrell, Thompson

Nay 0

Absent 2 Miller, McIntyre

RESOLVED the Portland Town Board approves the bills be paid for December 2022 and January 2023 as  
presented.

GENERAL FUND	\$ 5,977.04
TOWN OUTSIDE VILLAGE	\$ 126.79
HIGHWAY TOWNWIDE	\$ 4,341.57
HIGHWAY OUTSIDE VILLAGE	\$ 5,563.01
<u>CAPITAL PROJECTS</u>	<u>\$ 184.60</u>
TOTAL	\$ 16,193.01

**EXECUTIVE SESSION:**

No executive session needed.

With no further business, on a motion of Council Farrell, seconded by Council Thompson the meeting  
adjourned at 7:03pm.

Respectfully Submitted by,

Barb Smith-Town Clerk