

TOWN BOARD MEETING  
PORTLAND TOWN HALL  
March 09, 2023 – 7:00 P.M.

**BOARD MEMBERS PRESENT:**

Richard Lewis                      Supervisor  
Gary Miller                         Council  
Tammy Thompson                 Council

**ABSENT:**

Dave McIntyre                     Council  
Patti Farrell                        Council

**OTHERS PRESENT:**

Joel Seachrist                     Attorney  
Ken Becker                         Highway Superintendent  
Barb Smith                         Town Clerk

5 members of the public

Meeting called to Order by Supervisor Lewis at 7:00 p.m. with a moment of silence for Council Miller's brother, Council Farrell's brother and Richard Purol, Board Member for the Town of Dunkirk. Meeting continued with the Pledge to the flag.

**MINUTES:**

**RESOLUTION 15-2023**

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

ADOPTED Aye 3 Lewis, Miller, Thompson

Nay 0

Absent 2 McIntyre, Farrell

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

**DEPARTMENTAL REPORTS:**

**RESOLUTION 16-2023**

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

ADOPTED Aye 3 Lewis, Miller, Thompson

Nay 0

Absent 2 McIntyre, Farrell

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

Monthly reports received and filed:

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

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**TREASURY REPORT:**

**RESOLUTION 17-2023**

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

Nay 0

Absent 2 McIntyre, Farrell

RESOLVED The Portland Town Board approves the Treasury Report for February 2023 as presented by the Town Clerk.

**BUDGET TRANSFERS:**

**RESOLUTION 18-2023**

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

Nay 0

Absent 2 McIntyre, Farrell

RESOLVED The Portland Town Board approves the Budget Transfers for February 2023.

**General Fund Townwide**

Budget Transfers

\$1	FROM	A9030.8	Employee Benefits Social Security
	TO	A9040.8	Employee Benefits Workers Comp. Insurance

Budget Modifications

Modify 2023 Adopted Budget by increasing Revenue line A4089 Federal Aid (ARPA) by \$5,000 and increasing expenditure line A5132.2 Garage Equipment by \$5,000 for Highway Garage office.

**CORRESPONDENCE:**

- Letter from Chautauqua County Visitors Bureau with Guides. Guides are available in Town Clerk's office.
- Dunkirk-Fredonia Meal on Wheels letter - looking for volunteers
- Brocton Fire Company, Inc Fund Drive Letter.
- Chautauqua County Leadership Roundtable - Wal to End Alzheimer's. The Walk is March 22, 2023, 9:00am - 10:00am at Bemus Point Inn.
- Chautauqua County Fair Association looking for donations.
- NYCLASS Summary Statement
- Charter Communications - Franchise Fee Payment
- NYS Department of Taxation and Finance - Notice of Tentative Special Franchise Full Value
- NYS Department of Taxation and Finance - Notice of Tentative Telecommunications Ceiling

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**PUBLIC COMMENT:**

Robert Patterson inquiring on status of CBI flush and water test on Onthank Rd. Supervisor Lewis spoke with them at North County Water meeting. They said they will get it flushed out in the next couple of weeks. Supervisor Lewis will impress upon them again to getting this matter taken care of. Supervisor Lewis also asked them to test the chlorine and as of date this has not been done. Mr. Patterson is very concerned on amounts of chlorine in water that he is drinking. Supervisor Lewis would like this testing to complete to finish this project.

**OLD BUSINESS**

**CBI:**

Supervisor Lewis will continue to push CBI to complete testing at Onthank Rd. so town can complete project.

**WD #2 PROJECT:**

Supervisor Lewis stated it is out for Bid as of 3/6/2023. The Bid opening will be on March 27, 2023 at 9:00am here at the Town Hall. Supervisor Lewis invited anyone that would like to attend. Award of Bids will be at Board Meeting on April 12, 2023.

**MUSEUM:**

Supervisor Lewis - waiting for weather to break.

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

Supervisor Lewis and Council Miller have not had any response from the Owners of 21 Brix to date.

Supervisor Lewis made a call to Clark, Patterson, Lee to see if it was feasible to extend water past 21 Brix to Munson up Munson to loop WD #9. Supervisor Lewis said there was concerns that previous board sent out mailers to residence and there wasn't very many responses. Supervisor Lewis has received a couple of calls from residences inquiring about WD #9. Supervisor Lewis suggested sending out another mailer to residences. Council Miller commented that would be a good idea. Also, Council Miller stated we have not heard back from the Owners of 21 Brix on a decision. Council Miller reiterated the town is still interested to help with funding. Supervisor Lewis is trying to come up with a solution that would be beneficial to all parties.

**ARPA FUNDS:**

Supervisor Lewis made a spreadsheet of Allocated ARPA Funding.

Council Thompson question would it be possible to have funding to contribute to create marketing material for Haywood Heights. Council Thompson thought this would help for out of area residents looking to move here. It would be beneficial to sell lots. Council Miller thought it would have to go thru the Develop Corporation. All agreed.

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Mr. Seachrist stated the Town can make a donation to Develop Corporation. Council Miller likes the idea and Town could make a small donation, but would like the Village to contribute too. Supervisor Lewis and Council Miller would like Council Thompson to get together information and cost and make a presentation to the Develop Corporation.

**RESOLUTION 19-2023**

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

Nays 0

Absent 2 McIntyre, Farrell

RESOLVED The Portland Town Board agrees to amend previous Resolution 13-2023 Office Project at Highway Department to increase ARPA Funds from Five Thousand Dollars and 00/100 (\$5,000.00) to Seven Thousand Dollars and 00/100 (\$7,000.00) to pay for Office Project at Highway Department.

Council Miller mentioned looking into getting a Generator for Town Hall Building. Supervisor Lewis will look into getting pricing.

**FIREFIGHTER TAX EXEMPTION:**

Supervisor Lewis would like to keep in mind for next year to implement. We have a whole year to work on.

Mr. Seachrist mention NYS has adopted incredible tax credits for Battery Storage. Mr. Seachrist suggested town definitely look into Battery Storage. Mr. Seachrist will get information to Supervisor Lewis.

**NEW BUSINESS:**

**DOG CONTROL SPCA CONTRACT:**

**RESOLUTION 20-2023**

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

ADOPTED Ayes 3 Lewis, Miller, Thompson

Nays 0

Absent 2 McIntyre, Farrell

RESOLVED The Portland Town Board agrees to approve SPCA Contract signed by Town Supervisor Rich Lewis and returned to SPCA.

Supervisor Lewis had Mr. Seachrist and Town's Dog Control Officer, Gloria McCormick to review contract with SPCA. Gloria McCormick voiced her concerns and advantages of Contract. Supervisor Lewis question do we sign the contract because of no other contract is in place? Mr. Seachrist stated Town needs a secondary source. The Town is Primary because Town has own Kennel.

Supervisor Lewis and Council Thompson thanked DCO Gloria McCormick for her dedication and all her hard work helping the Town, is it really appreciated.

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**GARY MUCHA:**

Supervisor Lewis received letter from attorney Peter Clark regarding 8 Beach Place with a survey done. Mr. Mucha is requesting town give him a little piece of land. Supervisor Lewis stated we would need an easement as waterlines and electric run through. Supervisor Lewis would like Mr. Seachrist to contact Peter Clark.

**RESOLUTION AUTHORIZING SALE OF REAL PROPERTY ON BEACH PLACE TO GARY MUCHA, SUBJECT TO PERMISSIVE REFERENDUM  
RESOLUTION 21-2023**

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

Nays 0

Absent 2 McIntyre, Farrell

**WHEREAS**, Gary Mucha has proposed to purchase from the Town of Portland a portion of Beach Place adjacent to his home at 8 Beach Place, and

**WHEREAS**, the Town Highway Department has no use for the property and has no objections to transferring it to Mucha as requested,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Portland, in special session duly convened, does hereby authorize and direct the Supervisor to execute and deliver to Gary Mucha such instruments as are necessary to convey to him the said parcel, with all closing costs to be paid by the buyer and the Town to retain easements for utility lines crossing the parcel, all being subject to permissive referendum as permitted by law.

RESOLVED The Portland Town Board agrees to Mr. Seachrist submitting a letter and a permissive referendum to Attorney Peter Clark , which would include no cost to the Town of land transfer and abide by any conditions such as easements.

**COURT AUDIT:**

**RESOLUTION 22-2023**

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

Nays 0

Absent 2

RESOLVED The Portland Town Board accepts Court Audit done by The Audit Committee for the Portland Court Clerk on 2/15/2023. All records were in order.

**LIFE FLIGHT LANDING ZONE:**

Supervisor Lewis and Highway Superintendent Ken Becker met with Ron Burgun to get a cost to clear

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Town Property for Landing Zone. Cost would be \$6,900.00. Supervisor Lewis has meeting on 3/10/2023 at 10a.m. with Life Flight to see if they are interested and all this project would entail. Council Thompson ask question about clearing what the cost included? Discussion on gravel road and access with property owned by the Library. Council Miller concerned with additional cost of Landing Zone.

**TOWN BOARD MEMBERS/TOWN CLERK:**

Supervisor Lewis mentioned Cyber Insurance which Town will need to look into in the future. Supervisor Lewis said this will be something the Town will need to have.

Council Miller acknowledged County Legislator John Penhollow. Mr. Penhollow updated Board with projects and many items he is working on with the County and Committees.

**HIGHWAY DEPARTMENT:**

Superintendent Becker stated the man-lift is in our possession.

Office expansion is underway with a few hidden issues but project is coming along.

Superintendent Becker stated Truck we ordered is on line this week or next.

**BILLS:**

**RESOLUTION 14-2023**

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

Nay 0

Absent 2 McIntyre, Farrell

RESOLVED the Portland Town Board approves the bills be paid March 2023 as presented.

GENERAL FUND	\$ 15,138.08
TOWN OUTSIDE VILLAGE	\$ 295.95
HIGHWAY TOWNWIDE	\$ 16,952.95
HIGHWAY OUTSIDE VILLAGE	\$ 75,729.93
ST. LIGHT	\$ 478.25
<u>CAPITAL PROJECTS</u>	<u>\$ 8,100.00</u>
TOTAL	\$116,695.16

**EXECUTIVE SESSION:**

On a motion of Council Miller, seconded by Council Thompson the Board moved into Executive Session at 8:08p.m. regarding personnel issue.

On a motion of Council Miller, seconded by Council Thompson the Board returned to regular Session at 8:34 p.m.

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With no further business, on a motion of Council Thompson, seconded by Council Miller the meeting adjourned at 8:35pm. Carried unanimously.

Respectfully Submitted by,

Barb Smith-Town Clerk