

TOWN BOARD MEETING
PORTLAND TOWN HALL
July 12, 2023 – 6:00 P.M.

BOARD MEMBERS PRESENT:

Richard Lewis	Supervisor
Gary Miller	Council
Dave McIntyre	Council
Tammy Thompson	Council

ABSENT:

Patti Farrell	Council
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OTHERS PRESENT:

Joel Seachrist	Attorney
Ken Becker	Highway Superintendent
Gloria McCormick	Dog Control Officer
Barb Smith	Town Clerk

4 members of the public

PUBLIC HEARING:

Supervisor Lewis Opening Public Hearing at 6:00p.m. with the Pledge to the flag. Supervisor Lewis announced the public hearing is for Local Law No. 1 for the Year 2023, A Local Law Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax law. Supervisor Lewis ask if there was any public comment? With no questions or comments from the board members or the public on a motion made by Council McIntyre, seconded by Council Miller the Public Hearing closed at 6:03p.m. Carried.

MINUTES:

RESOLUTION 61-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

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

DEPARTMENTAL REPORTS:

RESOLUTION 62-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

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

Monthly reports received and filed:

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- Town Clerk
- Code Office
- Justice
- Dog Control

TREASURY REPORT:

RESOLUTION 63-2023

On a motion of Council Thompson, seconded by Council McIntyre the following resolution was ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

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

CORRESPONDENCE:

- NYCLASS Summary Statement showing additional income from interest. Supervisor Lewis said they have moved more money over since last meeting.

PUBLIC COMMENT:

No public comment at beginning of meeting. Please note additional Public Comment

OLD BUSINESS

CBI/NORTH COUNTY WATER:

Supervisor Lewis stated the County has turned around their decision on removing all Town Supervisors. They are adding two (2) county legislatures to the Board to increase members to eleven. This should satisfy the auditors. The board members include two members of the public, three county legislature one member from the Industrial District along with the Town Supervisors. CBI is moving in a positive direction with additional meeting and discussions.

PUBLIC HEARING:

Supervisor Lewis Opening Public Hearing at 6:05p.m. Supervisor Lewis announced the public hearing is for Local Law No. 2 for the Year 2023, A Local Law Enacting Regulations for Battery Energy Storage Systems. Supervisor Lewis ask if there was any public comment? Dale Carlson question with this law, will it be reviewed by the Planning Board? A small discussion continued regarding the Planning Board and Zoning Board of Appeals. With no other questions or comments from the board members or the public on a motion made by Council Miller, seconded by Council McIntyre the Public Hearing closed at 6:10p.m. Carried.

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WD #2 PROJECT:

Supervisor Lewis gave an overview on the package Rural Development put together. Supervisor Lewis gave the amount of Loans and grants. There will be an additional grant being applied for.

LOAN RESOLUTION RUS BULLETIN 1780-27:

RESOLUTION 64-2023

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

Roll Call Vote: Unanimous
McIntyre Aye
Miller Aye
Thompson Aye
Lewis Aye

Absent 1 Farrell

RESOLVED The Portland Town Board approves:

RUS BULLETIN 1780-27

APPROVED OMB. No. 0572-0121

LOAN RESOLUTION (Public Bodies)

A RESOLUTION OF THE Town Board of Trustees

Town Of Portland

OF THE **TOWN OF PORTLAND**

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water system improvements

FACILITY TO SER VE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the **Town Of Portland**
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Three Hundred Thousand & 00 100

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pursuant to the provisions of New York State Local Finance Law, and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,

(herein called the Government) acting under the provisions of the Consolidated Fann and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time

it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).

3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association.

Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.

5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and

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payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility

and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities

for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed

by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required

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to complete this Information collection is estimated to average J hour per response, Including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and

used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed **\$ 783,000.00**

under the terms offered by the Government; that the Town Supervisor

and **Town Clerk** of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

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The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was:

Yeas 4 Nays 0 Absent 1

IN WITNESS WHEREOF, the Town Board of Trustees of the Town Of Portland has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this Wednesday, 12th day of July 2023.

By _____

Richard Lewis
Title Town Supervisor

(SEAL)

Barb Smith
Title Town Clerk

**AWARD BID TO ST. GEORGE ENTERPRISES WD #2:
RESOLUTION 65-2023**

On a motion of Council McIntyre, seconded by Council Miller the following resolution was ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0
Absent 1 Farrell

RESOLVED The Portland Town Board accepts the bid from St. George Enterprises in the amount of \$3,884,000.00 for Water District No. 2, on condition, approval from Rural Development.

Supervisor Lewis spoke with Seth at CPL who spoke with Contractor Steve St. George. St. George wants to get started as soon as possible. Hopefully can get started early Fall and start at Van Buren Point.

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DOG CONTROL:

Gloria McCormick stated they are starting the Dog Enumeration on July 24th. Town Clerk making copies of letter to distribute. Dog Enumeration will be complete by August as Deputy Dog Control Rich Carpenter goes back to Florida. Gloria requested a gutter and downspout on park side of the Kennel for water drainage. Gloria ask if anyone met with Paradis Fencing regarding the break-in? They were contacted several times with no response. Gloria would like one of the kennels enlarged. Supervisor Lewis mentioned to the Board the HUD Block Grant money. Supervisor Lewis would like to use the grant money to repair and update on Kennel. Supervisor Lewis said we needs to get bids for this scope of work that needs to be done. Gloria said paint needs to be updated too. Supervisor Lewis will meet with Gloria to go over scope of work to be done.

RESOLUTION 66-2023

On a motion of Council Thompson, seconded by Council Miller the following resolution was ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

RESOLVED the Portland Town Board approves HUD Grant monies to be used for repairs and updating the Town of Portland Dog Kennels.

Supervisor Lewis said the new updated website is complete. Town Clerk will be able to update events, minutes etc. Supervisor said everyone can take a look at it website, it is user friendly and looks up to date. Also, Supervisor Lewis noted the copier is in and it works great. Town Clerk agreed.

MUSEUM:

Supervisor Lewis stated the museum roof is completely done. Supervisor Lewis is still working on finding painting contractors to give bids. Anyone who has recommendations on painter please advise.

ONTHANK ROAD:

Supervisor Lewis stated Onthank Road is complete. He would like to thank Superintendent Ken Becker, Highway guys and Mitch from CBI.

ARPA FUNDS:

Supervisor Lewis added ARPA Funds list for everyone to show where the funds are allocated.

FIREFIGHTER TAX EXEMPTION AND BATTERY STORAGE:

Supervisor Lewis announced we are postponing the vote because the laws were not available in time for everyone to review. The vote will be at our next Board Meeting on August 9, 2023.

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GENERATOR FOR TOWN HALL:

RESOLUTION 67-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

RESOLVED The Portland Town Board approves awarding the bid to Muck Electric LLC, price \$59,785.00 for a backup generator at Town Hall including the down payment Muck Electric LLC requested.

Supervisor Lewis received three (3) bids for generator, they are as follows:

IPL Electric \$114,700.00

BECC Electric \$ 79,250.00

Muck Electric \$ 59,785.00

Council Thompson questions why the differences in pricing. Supervisor Lewis explained it might be because that IPL and BECC Electric are union contractors. He reviewed all bid to make sure they were including all the same specifications.

Supervisor Lewis has not received any bids to clear land behind Town Hall. The Town has reached out to Rizzo Trenching, Nate Taro and Ron Burgun. This will be tabled until next month board meeting.

SIGN AT HAMLET OF PORTLAND LINE (MUSEUM/DON REINHOUDT):

Supervisor Lewis ask if there is still an interest in purchasing a new sign? He was approached by Mac McCausland who is interested in donating monies toward sign. Discussion continued on design of new sign and where to purchase.

Supervisor Lewis will reach out to Mac McCausland to see if he would like any input on sign. They will work on design and get pricing. Supervisor Lewis will report back at next board meeting in August.

NEW BUSINESS:

Supervisor Lewis showed pictures of the roof on covered bridge at Community Park in need of replacement. Supervisor Lewis got a price of \$1,600.00 to replace roof. Supervisor Lewis approved to replace roof and contractor (Bender Improvements) was able to complete.

NEW ROOF - COVERED BRIDGE, COMMUNITY PARK:

RESOLUTION 68-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

RESOLVED The Portland Town Board approves using \$1,600.00 of ARPA Funds to replace covered Bridge at Community Park.

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Superintendent Becker stated one pavilion roof needs to be replaced in the near future. The rest of the roof are also bad. Supervisor Lewis stated the one should be replaced this year. Supervisor Lewis to get pricing on all pavilion roofs to be replaced. Council Thompson ask who is the contractor. The contractor is Bender Home Improvement.

TOWN BOARD MEMBERS/TOWN CLERK:

Nothing to report.

HIGHWAY DEPARTMENT:

Superintendent Becker directed a question to Town Attorney Mr. Seachrist on survey done at Greencrest on Patterson Lane. Mr. Becker questioned stakes placed on Tastor Lane and Woodcrest. Will this be an issue with the Town when working on WD #2? Discussion continued with Mr. Seachrist and Superintendent Becker. Also, the turn around West Forest Avenue. New owners are claiming they own the turn around. Discussion on Town use. Mr. Seachrist would like to drive down to look at road in question before giving an answer.

Superintendent Becker said they have been trimming trees, maintaining grounds mowing and working on the completion of Onthank Road.

PUBLIC COMMENT:

Resident living on Thayer Hill had question on speed limit from bottom of Thayer Hill is 55 mph and top of Thayer Hill is 45 mph. Why is there a difference? Superintendent Becker explained when they put the Amish School in at top of hill the state changed speed limit. There was a long discussion regarding the speed limit. There is a process in changing the school limit. The state is responsible for changing the speed limit. Supervisor Lewis suggested the resident needs to get a petition signed to present to the board.

Council Thompson questioned to Superintendent Becker did the school provide him with new banners for the ones that broke. Superintendent Becker found the banners to put back up. Superintendent Becker asked how long are we keeping the banners up? Council Thompson said they kept banners up July and August and took down right before school started. Discussion continued on banners and keeping them uniform for anyone or group that would use them. Discussion also on where to purchase banners.

BILLS:

RESOLUTION 69-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Thompson

Nay 0

Absent 1 Farrell

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

GENERAL FUND	\$ 44,461.32
TOWN OUTSIDE VILLAGE	\$ 173.13
HIGHWAY OUTSIDE VILLAGE	\$ 11,303.79
HIGHWAY TOWNWIDE	\$ 46.34
ST. LIGHT	\$ 407.96
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TOTAL	\$ 56,392.54

EXECUTIVE SESSION:

No executive session needed.

With no further business, on a motion of Council McIntyre, seconded by Council Thompson the meeting adjourned at 7:04pm. Carried unanimously.

Respectfully Submitted by,

Barb Smith-Town Clerk