

RE-ORGANIZATIONAL/TOWN BOARD MEETING
PORTLAND TOWN HALL
JANUARY 10, 2024 – 6:00 P.M.

BOARD MEMBERS PRESENT:

Richard Lewis	Supervisor
Patti Farrell	Council
Tammy Thompson	Council
Dave McIntyre	Council
Gary Travis	Council

OTHERS PRESENT:

Joel Seachrist	Attorney
Barb Smith	Town Clerk

1 members of the public

The Affidavit of Publication to hold the Annual Organizational Meeting was posted in the Observer on January 5, 2024.

Meeting called to Order by Supervisor Lewis at 6:00 p.m. with the Pledge to the flag.

Supervisor Lewis and the Board reviewed the Re-organizational and Procurement policy for 2024.

RE-ORGANIZATIONAL/PROCUREMENT POLICY 2024

RESOLUTION 01-2024

On a Motion of Council McIntyre, seconded by Council Travis the board made the following resolution:

ADOPTED Ayes 5 Lewis, Farrell, Thompson, McIntyre, Travis
Nays 0

RESOLVED the Portland Town Board approves the Re-Organizational and Procurement Policy for 2024:

Re-Organizational - 2024

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.

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.

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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 **\$26.35. 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	\$22.28 (per contract)
Assistant Court Clerk	\$16.56/per hour
Town Clerk	\$34,039/year
Tax Collector	\$8,755/year
Deputy Tax Collector	\$16.56 per hour
Assessor	N/A
Dog Control Officer	\$9,167/year
Zoning & Inspection Officer (Full time)	\$28.12 per hour
Clerk II	\$16.56 per hour
Historian-Museum	\$16.56 per hour
Court Officer	\$16.81 per hour

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,

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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 2024 Bookkeeping Services with Bahgat & Laurito-Bahgat Certified Public Accountants & Advisors at a rate of \$1,600 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 Tammy Thompson, Deputy Supervisor**, without salary for a period of one year from January 01, 2024 through December 31, 2024.

APPOINTMENT OF TOWN BOARD COMMITTEES BY THE SUPERVISOR

APPOINTMENT OF TOWN BOARD COMMITTEES:

2024

AUDIT	Patti Farrell	Gary Travis
PARKS & MUSEUM	Patti Farrell	Tammy Thompson
BUILDING	Dave McIntyre	Tammy Thompson
PLANNING BOARD & ZONING BOARD	Gary Travis	Dave McIntyre
JOINT SERVICES	Dave McIntyre	Tammy Thompson
FIRE DEPARTMENT	Gary Travis	Patti Farrell

MILEAGE RATE BY THE SUPERVISOR RESOLVED, that the Town of Portland shall pay **.67** cents per mile for the use of private vehicles for Town Official, when on town business for 2024.

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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, 2024 through December 31, 2024-**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, 2024 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 2024.

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, 2024.

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, 2024 through December 31, 2024.

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, 2024 through December 31, 2028.

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, 2024 through December 31, 2024.

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, 2024 through December 31, 2024. BE IT FURTHER RESOLVED, that should a conflict of interest arise, the Town Council Board will retain another attorney of choice.

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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, 2024 through December 31, 2024 with a \$2,200.00 annual salary.

APPOINTMENT OF LOCAL HISTORIAN BY THE SUPERVISOR RESOLVED, that **Rob Pawlak** is appointed as TOWN HISTORIAN beginning January 01, 2024 through December 31, 2024.

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, 2024 through December 31, 2024.

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, 2024 through December 31, 2024 at an hourly rate of \$16.56, and BE IT FURTHER RESOLVED that Carolyn Magnuson and Roxane Sobecki be appointed to a one- year term, beginning January 01, 2024 through December 31, 2024, 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, 2024 through December 31, 2024.

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 2024.

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, 2024 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 **Donna Vonbergen** is appointed as Deputy Tax Collector for a one- year term beginning January 01, 2024 through December 31, 2024 at \$16.56 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, 2024 through December 31, 2024, not to exceed 12 meeting within the year.

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ZONING/PLANNING BOARD RESOLVED, pay rate for Zoning and Planning Board members are **\$500** for chairman and **\$300** for members for the year 2024. Stipend will be paid in December; pay will be prorated if term served is less than a year.

MINUTES:

RESOLUTION 02-2024

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

ADOPTED Aye 5 Lewis, Farrell, Thompson, McIntyre, Travis

Nay 0

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

DEPARTMENTAL REPORTS:

RESOLUTION 03-2024

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

ADOPTED Aye 5 Lewis, Farrell, Thompson, McIntyre, Travis

Nay 0

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

Monthly reports received and filed:

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

CORRESPONDENCE:

Supervisor Lewis stated Ken Becker, Highway Superintendent would not be an attendance to this meeting as he has been out with storm conditions for two days and has no power at this time.

- Supervisor Lewis read a text message from the Village of Brocton Mayor. “ Mayor of the Village of Brocton, Craig Miller would like to thank Ken Becker and Town of Portland employees for working along side of the Village employees to restore power to the entire Village during this challenging weather event.
- Supervisor Lewis would like to thank and appreciated all the employees did during the weather event and have surpassed all expectations and everyone greatly appreciates all your efforts.
- Leadership Roundtable meeting on January 18, 2024 in Bemus Point, hosted by the Alzheimer’s Association WNY Chapter.
- Association of Towns email from Sarah Brancatella explaining Governor Hochul’s signed legislation that changes election years for most town and county positions from odd to even years to coincide with national and statewide elections.
- Auctions International received check for the highway truck that was sold for \$26,100.00

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- NYCLASS Summary Statement. Supervisor Lewis stated that \$73,972.65 (interest) was earned income.
- Supervisor Lewis met with the Fire Department and Amber McIntyre regarding the Town of Portland Ambulance Service. Amber McIntyre formed a letter stating The Town of Portland ambulance Service - operated by the Brocton Fire Department and the Portland Fire Department have decided to cease Emergency Medical Services effective 2/1/2024.

PUBLIC COMMENT:

Dale Carlson spoke on the topics of the Planning Board and the Zoning Board for the Town and Village.

OLD BUSINESS

CBI:

Supervisor Lewis stated he has a meeting on January 11, 2024. Supervisor Lewis questioned would it be possible for the Town to pick up Water District 9 as the Village of Brocton? Mr. Seachrist said there would be need to be an intermunicipal agreement between the Town of Portland and Village of Brocton.

WD #2 PROJECT:

Supervisor Lewis said the project is moving along quite well. St. George feels they are going to be done with all the water mains in Van Buren Point by the end of the week. They are going to start testing and if he has extra crews they will start individual services in the point.

ARPA FUNDS:

Supervisor Lewis said there was no change.

NEW BUSINESS:

INTERMUNICIPAL COOPERATION AGREEMENT REGARDING EMPLOYEMENT OF ASSESSOR AND ASSESSOR'S DUTIES AMENDMENT EFFECTIVE JANUARY 1, 2024:

RESOLUTION 04-2024

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

ADOPTED Ayes 5 Lewis, Farrell, Thompson, McIntyre, Travis

Nays 0

RESOLVED The Portland Town Board approves the Intermunicipal Agreement for the Town of Portland, Chautauqua County, as a participating Town in the Cooperative Shared Assessment Services Agreement between the Town of Pomfret, Town of Hanover, Town of Dunkirk, and the Town of Villenova.

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WATER DISTRICT #2 PAY APPLICATION #3:

RESOLUTION 05-2024

On a motion of Council Thompson, seconded by Council McIntyre the following resolution was ADOPTED Aye 5 Lewis, Thompson, Farrell, McIntyre, Travis

Nay 0

RESOLVED The Portland Town Board approves the payment of \$361,558.13 to S. St. George Enterprises Inc., General Contractor for Water District No. 2.

FORGE AHEAD PROMOTIONS:

RESOLUTION 06-2024

On a motion of Council Thompson, seconded by Council Farrell the following resolution was ADOPTED Aye 5 Lewis, McIntyre, Thompson, Farrell, Travis

Nay 0

RESOLVED The Portland Town Board approves the payment of \$800.00 for Forge Ahead Promotion Inc., of the Distribution of Brochures for the Marmaduke Statue at several locations in Chautauqua County. These services are for 2024, to be paid from Museum Contractual Expense Account.

ZONING BOARD OF APPEALS VACANCY:

RESOLUTION 07-2024

On a motion of Council Farrell, seconded by Council Travis the following resolution was ADOPTED Aye 5 Lewis, McIntyre, Thompson, Farrell, Travis

Nay 0

RESOLVED The Portland Town Board appoints Michelle Patterson to a term on the Zoning Board of Appeals.

Michelle Patterson submitted an email expressing her interest in the vacant position on the Town's Zoning Board of Appeals on January 5, 2024.

TOWN BOARD MEMBERS/TOWN CLERK:

Nothing to report from Board Members or Town Clerk.

HIGHWAY DEPARTMENT:

Supervisor Lewis and Superintendent Becker are going to talk to Joe Majkowski Electrician at the Village of Brocton regarding a roll out generator and transfer switch for the Town's Highway Barns. It is very difficult when the power is lost to open the big doors and navigate in the building with no power.

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Supervisor Lewis would like to set up a meeting with the school, Ken Roberts and Jason Delcamp regarding the Fuel Depot Bills. On the invoices they are charging the Town and extra 10 cents. Supervisor Lewis and Superintendent Becker have had several discussions that this extra fee is unfair. The Town maintains all the Fuel Pump Stations. Supervisor Lewis said the school can maintain all their pumps if the charges continue. Also, they will need to purchase a generator for the fuel pumps.

BILLS:

RESOLUTION 08-2024

On a motion of Council Thompson, seconded by Council Farrell the following resolution was ADOPTED Aye 5 Lewis, Farrell, Thompson, McIntyre, Travis

Nay 0

RESOLVED the Portland Town Board approves the bills be paid for December 2023 and January 2024 as presented.

GENERAL FUND	\$ 23,064.94
TOWN OUTSIDE VILLAGE	\$ 306.02
HIGHWAY TOWNWIDE	\$ 3,953.48
HIGHWAY OUTSIDE VILLAGE	\$ 5,213.44
STREET LIGHTING	\$ 485.80
CAPITAL PROJECTS	<u>\$363,118.13</u>
TOTAL	\$396,141.81

EXECUTIVE SESSION:

No executive session needed.

With no further business, on a motion of Council McIntyre, seconded by Council Travis the meeting adjourned at 6:28pm.

Respectfully Submitted by,

Barb Smith-Town Clerk