

TOWN BOARD MEETING
PORTLAND TOWN HALL
February 14, 2024 – 6:00 P.M.

BOARD MEMBERS PRESENT:

Richard Lewis	Supervisor
Patti Farrell	Council
Gary Travis	Council

BOARD MEMBERS ABSENT:

Tammy Thompson	Council
Dave McIntyre	Council

OTHERS PRESENT:

Ken Becker	Highway Superintendent
Joel Seachrist	Attorney
Barb Smith	Town Clerk

2 members of the public

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

MINUTES:

RESOLUTION 09-2024

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

Nay 0

Absent: 2 Thompson, McIntyre,

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

DEPARTMENTAL REPORTS:

RESOLUTION 10-2024

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

Nay 0

Absent: 2 Thompson, 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

TOWN BOARD MEETING
PORTLAND TOWN HALL
February 14, 2024 – 6:00 P.M.

NEW BUSINESS:

2024 WIIA APPLICATION:

RESOLUTION 11-2024

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

Nay 0

Absent: 2 Thompson, McIntyre,

RESOLVED the Portland Town Board authorized Supervisor Lewis to sign Application for Municipal
Solution to file amendment for Water District No. 2.

WATER DISTRICT #2 PAY APPLICATION #4:

RESOLUTION 12-2024

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

Nay 0

Absent: 2 Thompson, McIntyre,

RESOLVED The Portland Town Board approves the payment of \$424,970.03 to S. St. George Enterprises
Inc., General Contractor for Water District No. 2.

REPEAL EXCESS SALES TAX 122-13:

Supervisor Lewis received a call from the County, Kim Meleen, Director of Real Property Services
regarding Sales Tax monies. Supervisor Lewis stated we have been giving \$50,000.00 of the Town's Sale
Tax Receipt money to the county toward taxes. This has been since 2013, Resolution 122-13.
Supervisor Lewis needs a motion for a repeal for excess tax per Resolution 122-13.

RESOLUTION 13-2024

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

Nay 0

Absent: 2 Thompson, McIntyre,

RESOLVED The Portland Town Board approves the repeal for excess Tax of \$50,000.00 per the Town's
Resolution 122-13.

OPPOSITION TO NEW YORK STATE SENATE BILLS -00139B AND ASSEMBLY BILL A-1358B

RESOLUTION 14-2024:

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

Nay 0

Absent: 2 Thompson, McIntyre,

TOWN BOARD MEETING
PORTLAND TOWN HALL
February 14, 2024 – 6:00 P.M.

WHEREAS, The Justices preside nightly and weekend and holiday mornings at the Chautauqua County Arraignment Part (CAP) conducted in the County Jail, (CAP) that ensures the arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and be processed for release, bail, or incarceration; (ONLY) and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Chautauqua County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State's Commission of Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while in the remaining complaints were against either "State-paid" judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, and organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RELOVED, That the Governing board of the Town/Village of Portland/Brocton strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

TOWN BOARD MEETING
PORTLAND TOWN HALL
February 14, 2024 – 6:00 P.M.

WEIGHT LIMIT ON ROADS:

RESOLUTION 16-2024

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

ADOPTED Aye 3 Lewis, Farrell, Travis

Nay 0

Absent: 2 Thompson, McIntyre,

RESOLVED The Portland Town Board approves Superintendent Becker to put weight limits on roads.

BILLS:

RESOLUTION 17-2024

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

ADOPTED Aye 3 Lewis, Farrell, Travis

Nay 0

Absent 2 Thompson, McIntyre

RESOLVED the Portland Town Board approves the bills be paid for February 2024 as presented.

GENERAL FUND	\$ 24,194.79
TOWN OUTSIDE VILLAGE	\$ 1,171.35
HIGHWAY TOWNWIDE	\$ 20,960.11
HIGHWAY OUTSIDE VILLAGE	\$ 4,385.29
STREET LIGHTING	\$ 514.88
<u>CAPITAL PROJECTS</u>	<u>\$475,960.03</u>
TOTAL	\$527,186.45

EXECUTIVE SESSION:

No executive session needed.

With no further business, on a motion of Council Farrell, seconded by Council Travis the meeting adjourned at 6:34pm.

Respectfully Submitted by,

Barb Smith-Town Clerk