

TOWN BOARD MEETING
PORTLAND TOWN HALL
May 10, 2023 – 6:00 P.M.

BOARD MEMBERS PRESENT:

Richard Lewis	Supervisor
Gary Miller	Council
Dave McIntyre	Council
Patti Farrell	Council

ABSENT:

Tammy Thompson	Council
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OTHERS PRESENT:

Joel Seachrist	Attorney
Ken Becker	Highway Superintendent
Daniel Larish	Town Justice
Gloria McCormick	Dog Control Officer
Rich Carpenter	Deputy Dog Control
Barb Smith	Town Clerk

6 members of the public

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

MINUTES:

RESOLUTION 33-2023

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

Nay 0

Absent 1 Thompson

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

DEPARTMENTAL REPORTS:

RESOLUTION 34-2023

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

Nay 0

Absent 1 Thompson

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 35-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Farrell

Nay 0

Absent 1 Thompson

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

CORRESPONDENCE:

- Letter from Western New York Land Conservancy - attached are updated list and map of protected properties located in Portland's municipalities.
- Letter from Skinner-Ville Family for donation to support Cancer.
- Access Chautauqua Invoice to support public television.
- Letter from Chautauqua County Department of Finance. - Worker's Compensation Ultimate Liability to opt out.

PUBLIC COMMENT:

John Penhollow, Legislator for District 7 spoke with County Executive at length regarding CBI. County Executive would like to get up to speed with CBI and the original contract, what the intent was and how it was written. Also, wants to know the founding members to meet together with municipalities. County Executive may want to take part in facilitating North County Water because of the Issues with water and sewer.

OLD BUSINESS

CBI:

Supervisor Lewis stated CBI continues to be about the same. Council Thompson presented at last meeting her concerns regarding after hours phone number to call in case of an emergency. This concern has been addressed and now there is a link on the phone to reach a person in case of an emergency.

WD #2 PROJECT:

Supervisor Lewis explained that the Town will be moving forward with the Water District #2 project with the anticipation there will be no grant money available. This will reflect on WD #2 Tax payers liability. We are going back to Rural Development for possible additional grant funding that would be available this year. The grant we applying for is WIIA.

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WD #2 PUBLIC HEARING:

RESOLUTION 36-2023

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

ADOPTED by:

Roll Call Vote: McIntyre Aye
 Miller Aye
 Farrell Aye
 Lewis Aye

RESOLVED The Portland Town Board approves a Public Hearing for WD #2 on May 24, 2023, at 6:00pm, located at the Town Offices, 87 W. Main Street, Brocton, New York.

RESOLUTION DATED MAY 10, 2023.

A RESOLUTION CALLING A PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF PORTLAND, CHAUTAUQUA COUNTY, NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW, TO CONSIDER AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE TOWN OF PORTLAND WATER DISTRICT NO. 2 IN AND FOR SAID TOWN AT A MAXIMUM ESTIMATED COST OF \$4,691,000.

WHEREAS, the Town Board of the Town of Portland, Chautauqua County, New York, has had under consideration a map and plan as well as an estimate of cost for a proposed increase and improvement of the facilities of the Town of Portland Water District No. 2, consisting of the installation of new water main, including approximately 23,000 linear feet of 6-inch and 8-inch water main, land or rights-in-land, original furnishings, equipment, machinery, apparatus and other costs incidental thereto; and

WHEREAS, the Town Board adopted a Public Interest Order and Bond Resolution for the project on March 13, 2019, but when bids were received in Spring 2023 they more than doubled the estimate of cost used in those proceedings; and

WHEREAS, the Town's engineer has revised and updated the map, plan and estimate of cost to reflect more current numbers and the revised document, dated "May 2023", is on file in the office of the Town Clerk for public inspection; and

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WHEREAS, the updated maximum estimated cost of such increase and improvement of facilities is \$4,691,000, and the proposed method of apportioning such cost is on a benefit basis to the benefited properties within Town of Portland Water District No. 2, with financing anticipated to be received from the United States Department of Agriculture, Rural Development Program, and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement pursuant to Section 202-b of the Town Law using the new estimate of cost;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Portland, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Portland, Chautauqua County, New York, shall be held at 87 West Main Street, Brocton, New York, in said Town, on the 24th day of May, 2023 at 6:00 o'clock P.M., prevailing time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Town of Portland Water District No. 2 in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. SEQRA DETERMINATION: It has been determined that the aforesaid purpose constitutes an Unlisted Action under the SEQRA regulations of the State of New York which will not have a significant impact upon the environment.

Section 3. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the *Dunkirk Observer*, the official newspapers of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

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NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Portland, Chautauqua County, New York, will meet at 87 West Main Street, Brocton, New York, in said Town, on the 24th day of May, 2023, at 6:00 o'clock P.M., prevailing time, for the purpose of conducting a public hearing relating to the increase and improvement of the Town of Portland Water District No. 2 in said Town, consisting of the installation of approximately 23,000 linear feet of water main, and including land or rights-in-land, original furnishings, equipment, machinery, apparatus and other costs incidental thereto, at a maximum estimated cost of \$4,691,000, all of which will be apportioned on a benefit basis to the benefited properties within the said district, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

SEQRA DETERMINATION: The aforesaid purpose constitutes an Unlisted Action under the SEQRA regulations of the State of New York which will not have a significant impact upon the environment.

Dated: Brocton, New York

May 10, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF PORTLAND, CHAUTAUQUA
COUNTY, NEW YORK

Barb Smith, Town Clerk

**WD #2 WIIA GRANT
RESOLUTION 37-2023**

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

Nay 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves Supervisor Lewis to sign and file for WD #2 WIIA Grant Funding to Rural Development.

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Supervisor Lewis checked with Municipal Solutions and engineers to make sure filing for Grant would be acceptable if project was ongoing. Municipal Solutions and engineers assured Supervisor Lewis yes this is ok.

MUSEUM:

Supervisor Lewis said the front roof needs replacing and contractor gave an estimate of \$7,500.00 to remove shingles and install new shingles on the front. This estimate still falls under the original bid. Contractor is scheduling into July so Supervisor Lewis wanted to get Museum roof project on his schedule.

MUSEUM ROOF REPLACEMENT (FRONT)

RESOLUTION 38-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Farrell

Nay 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves Bender's Home Improvements LLC to replace front roof at museum for Seven Thousand Five Hundred dollars (\$7,500.00)

WATER EXTENTION - 21 BRIX, ONTHANK ROAD:

Supervisor Lewis and Council Miller have not heard back from the Jordan's, the Owners of 21 Brix to date.

ARPA FUNDS:

Supervisor Lewis stated there was a recommendation from Municipal Solutions that the Town allocate all ARPA funds while filing for grant monies. Council McIntyre suggested allocating rest of ARPA Funds to 21 Brix water extension project. Supervisor Lewis said funds can be switched if needed.

ARPA FUNDS:

RESOLUTION 39-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Farrell

Nay 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves allocating the balance of ARPA funds to 21 Brix water extension project.

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FIREFIGHTER TAX EXEMPTION:

Supervisor Lewis said we need to keep Firefighter Tax Exemption as a reminder for next year. Mr. Seachrist questioned should he go ahead with finishing Law? Supervisor Lewis said yes we are definitely going forward for next year.

LIFE FLIGHT LANDING ZONE:

Supervisor Lewis said this is basically cleaning brush behind Town Office Building. Supervisor Lewis ask if we are tabling this for the future? Council McIntyre question installing driveway? Julie Patcher Director of Library discussed location of driveway if Library owns property it should not be an issue. Discussion continued regarding location of driveway, wet conditions of property for access. Council McIntyre questioned how will the community feel? This topic was tabled.

LOCAL LAW FOR BATTERY STORAGE:

RESOLUTION 40-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Farrell

Nay 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves Town Attorney, Mr. Seachrist to complete Local Laws for Battery Storage for the Town. Public Hearing at a later date.

Supervisor Lewis asked board if pursuing Local Law for Battery Storage? Mr. Seachrist stated New York State is adopting new incentive at their budget meeting, strongly encouraging facilities to have battery storage. Mr. Seachrist suggested Town get something in place.

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

Supervisor Lewis said this will be tabled until next meeting.

NEW BUSINESS:

COURT OFFICER VEST:

RESOLUTION 41-2023

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

ADOPTED Ayes 4 Lewis, McIntyre, Miller, Farrell

Nays 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves the purchase of Body Armor Vest for Court Security Officer Ellsworth with contingent on the Town of Ripley splitting cost at \$807.75.

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Court Judge Larish spoke regarding the need for the vest for Officer Ellsworth's safety in the present day. Also, Judge Larish elaborated on material used, how the vest fits and is adaptability to the body and how it fits. Judge Larish stated the price of the vest was a good price. Additional cost for shirt that goes underneath is recommended.

DOG CONTROL:

Supervisor Lewis stated there was a break-in at the Dog Kennel. Person cut fence with bolt cutters and kicked in the door to get their dog back. Supervisor Lewis said the Highway guys did a temporary repair. Gloria McCormick, Dog Control Officer received a call from investigator to retrieve the dog. DCO explained the kennel needs to be repaired and reinforced. DCO said the dog owner who broke in kennel and took her dog back is repeatedly calling her and with multiple different numbers so unable to block. Mr. Seachrist will write a letter to owner stating if future attempts to call the DCO, it will be treated as harassment. There was a lengthy discussion of camera security at buildings and kennels. Supervisor Lewis suggested having a meeting with DCO and board members on Dog Control Committee to discuss issues.

I AM LOVED EVENT:

RESOLUTION 42-2023

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

Nays 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves the I Am Loved Event at Community Park on August 19, 2023 with rain date of August 26, 2023 with two stipulations there is liability insurance and water usage is kept minimal with water activities.

BUDGET TRANSFER:

RESOLUTION 43-2023

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

Nays 0

Absent 1 Thompson

RESOLVED The Portland Town Board approves Budget Transfer from Contingent Account to Special Items Unallocated Insurance.

GENERAL FUND TOWNWIDE:

Budget Transfer:

\$1,475	FROM	A1990.4	Contingent Account
	TO	A1910.4	Special Items Unallocated Insurance

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Budget Modifications

Modify 2023 Adopted Budget by increasing Revenue line A4089 Federal Aid (ARPA) by \$63,247 and increasing Expenditure line A7450.4 Museum Contractual by \$50,000 and Expenditure line A7110.2 Parks Equipment by \$13,247.

To reflect use of ARPA funds for approved museum repairs and mower purchase.

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TOWN BOARD MEMBERS/TOWN CLERK:

Supervisor Lewis wanted to thank Highway employees for mowing lawns. Town Building and Library look very nice.

Council Miller questioned cell phone invoice? Supervisor Lewis responded it was for new cell phone equipment, cell phone was free.

HIGHWAY DEPARTMENT:

Superintendent Becker stated mowing is going really well. Push mower has some issues.

Superintendent Becker mentioned to Supervisor Lewis about purchasing a new trailer to haul man lift and mower. Superintendent Becker would like the trailer to be able to haul either. Discussion with board on size and weight and what is needed. The trailer they have now is really old and very difficult to load equipment. Superintendent would like to get pricing on trailers. Sweeping is complete and getting ready for Summer. Superintendent Becker would like to pave South Swede Rd., just trying to figure out how to pave without causing a bottleneck of traffic. Also, paving a strip on Finley Road.

Superintendent Becker wanted to thank Joe Majikowski from the Village for helping take down oak tree in park that was 105 years old. Joe took wires down and cut top of tree. Superintendent Becker said at some point Town may want to look into buying more trees for the park.

BILLS:

RESOLUTION 44-2023

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

ADOPTED Aye 4 Lewis, McIntyre, Miller, Farrell

Nay 0

Absent 1 Thompson

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

GENERAL FUND	\$ 26,551.55
TOWN OUTSIDE VILLAGE	\$ 571.88
HIGHWAY TOWNWIDE	\$ 9,610.03
HIGHWAY OUTSIDE VILLAGE	\$ 15,118.32
ST. LIGHT	\$ 442.01
<u>CAPITAL PROJECTS</u>	<u>\$ 1,349.00</u>
TOTAL	\$ 53,642.79

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EXECUTIVE SESSION:

On a Motion of Council Miller, seconded by Council McIntyre the Board moved into Executive Session at 6:59 p.m. regarding personnel issue.

On a Motion of Council Farrell, seconded by Council Miller the Board returned to regular Session at 7:20 p.m.

With no further business, on a motion of Council Miller, seconded by Council McIntyre the meeting adjourned at 7:21pm. Carried unanimously.

Respectfully Submitted by,

Barb Smith-Town Clerk