



DATE: January 5, 2009

TIME: 6:00PM

MEETING: Organizational Meeting, Town Board, Town of Portville, New York

LOCATION: Westons Mills Community Center, 1310 Olean Portville Road, Westons Mills, New York

PRESENT: Terry Keeley, Supervisor  
Bill Stern, Councilperson & Deputy Supervisor  
Terri Batt, Councilperson  
Gary Woodhead, Councilperson  
Charlene Van Dusen, Councilperson  
James Parks, Town Clerk  
Stuart Frost, Highway Superintendent  
Dan Hale, Town Justice

Appointees and Members of the Public

### **Introduction**

The meeting was opened by Town Supervisor Keeley by asking attendees to stand and join him in the "Pledge of Allegiance".

Councilperson Keeley informed those present that the purpose of tonight's meeting was to have Judge Hale swear in the newly elected official, to subsequently perform the annual requirement to appoint town officers, execute the oaths of office, ensure the completeness of the official undertaking, define appointed position vacancies, define applicable compensation, designate the official meeting calendar for any board within the town, designate the official town newspaper, designate the financial institutions that will be used by the town, specify who will perform payroll services, set the limit of expenditure of any expense by the Highway Superintendent that can be executed without prior approval of the Town Board, to handle any other organizational or business matters needing attention before the next scheduled monthly Town Board Meeting, and to conclude with the swearing in by Judge Hale of all appointees.

### **Elective Office Oaths**

Judge Piaggi administered the oath of office to Terri Batt as Councilperson for a term of one year expiring on December 31, 2009.

### **Organizational Meeting**

Supervisor Keeley introduced the members of the town board as Councilpersons Terri Batt, Bill Stern, Charlene Van Dusen and Gary Woodhead indicating that the a quorum of members were present and subsequently called the Organizational Meeting to order.



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### **Elected Position Compensation**

Supervisor Keeley designated, in accordance with Town Law 28, Councilperson Stern to be the Deputy Supervisor for 1 year with a term expiring December 31, 2009. Supervisor Keeley recommended that the 2009 compensation of Deputy Supervisor remain at \$144 per year and that the annual compensation be divided into four equal installments paid at the end of each quarter. Motion to adopt was made by Councilperson Van Dusen, seconded by Councilperson Batt and approved by the Town Board. VOTE: Keeley (YES), Batt (YES), Stern (ABSTAIN), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO 1-ABSTAIN.

Supervisor Keeley recommended that the 2009 annual compensation of the Supervisor remain at \$9,434 and that the annual compensation be divided into four equal installments paid at the end of each quarter. Deputy Supervisor Stern made the motion to adopt, seconded by Councilperson Woodhead. VOTE: Keeley (ABSTAIN), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO 1-ABSTAIN.

Supervisor Keeley recommended and Deputy Supervisor Stern made the motion that the 2009 annual compensation of each Councilperson remain at \$1,320 and that the annual compensation be divided into four equal installments paid at the end of each quarter. The motion was seconded by Councilperson Batt. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Woodhead made the motion that the 2009 annual compensation of Town Justice Danny Hale be \$9,000 and that the annual compensation be divided into 12 equal installments of \$750 and paid at the end of each month. The motion was seconded by Deputy Supervisor Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Van Dusen made the motion that 2009 annual compensation of Town Justice Christopher Piaggi be \$1,200 and that the annual compensation be divided into 12 equal installments and paid at the end of each month. The motion was seconded by Deputy Supervisor Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Batt made the motion that the 2009 annual compensation of Highway Superintendent Stuart Frost be \$43,208, that the annual compensation be divided into 24 equal installments of \$1,800.34 paid on the 1st and 15<sup>th</sup> of each month, and that health insurance be provided for this elected position. The motion was seconded by Deputy Supervisor Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Appointments**

Supervisor Keeley recommended and Deputy Supervisor Stern made a motion, that was seconded by Councilperson Van Dusen, that the following employee positions be appointed for a 1 year term expiring on December 31, 2009, that the nominees be sworn into these positions, and that each shall continue to serve during that year at the pleasure of the Town Board:



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1. That the 2009 hourly compensation of the Town Clerk & Tax Collector James Parks be \$13.52 per hour with a scheduled 30 hour work week and that he be paid weekly;
2. That the 2009 compensation of the Acting Assessor Daniel Martonis be \$2,500.00 per month payable in two equal installments of \$1,250.00 on the 1<sup>st</sup> and 15<sup>th</sup> of each month and that his conditions of employment be those specified in his employment contract dated December 17, 2008;
3. That, with the advice and consent of and reporting to the Town Justices, Cheryl Howard as Clerk of the Court, will receive an hourly compensation of \$12.48 for up to 20 hours per week to which any additional hours must be recommended by the Town Justice and approved by the Town Board, and to which authorized and performed hours will be paid weekly;
4. That, with the advice and consent of and reporting to the Town Clerk & Tax Collector, Cheryl Howard as First Deputy Town Clerk & Deputy Tax Collector will receive an hourly compensation of \$12.48 for hours worked that have been pre-authorized by the Town Clerk, and that those pre-authorized and worked hours will be paid weekly;
5. That Walter Putt as Building Inspector, Code Enforcement Officer and Flood Control Officer, hereinafter referred to as "Code Enforcement Officer", receive a monthly compensation of \$670 to be paid at the end of each month;
6. That Cynthia Nupp as Dog Control Officer receive a monthly compensation of \$356 to be paid at the end of each month;
7. That Robert Nupp as Deputy Dog Control Officer receive no compensation;
8. That Gail Feuchter as Town Historian receive a one-time compensation of \$286 payable on December 31, 2009; and,
9. That, in accordance with Town Law 32, Timothy Griffin, with the recommendation the Highway Superintendent, be appointed Deputy Highway Superintendent receive an hourly compensation rate of \$0.41 per hour beginning January 1, 2009.

VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Batt made the motion, seconded by Councilperson Woodhead, that the following positions be appointed for 1 year terms expiring on December 31, 2009, that the nominees to be sworn into these positions are contractors and will continue to serve during that year at the pleasure of the Town Board, and that any compensation be paid as stipulated by nominee below:

1. Edward Bysiek as Bookkeeper with an hourly compensation of \$40 per hour as a contractor, that the monthly hours not exceed 40 unless pre-authorized by the Supervisor or Deputy Supervisor, and that contractor submit to the Town Clerk an invoice monthly for hours of work performed, and that any invoice be subsequently reviewed for consideration of payment by the Town Board at its next scheduled monthly meeting; and,
2. Steffanie Bell as Secretary to the Planning Board and Board of Assessment Review with compensation of \$10.00 per hour with a 4-hour minimum per Planning Board Meeting and 8-hour



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minimum per Board of Assessment Review meeting and that any additional hours beyond these minimums require prior approval by the Supervisor or Deputy Supervisor, and that contractor submit to the Town Clerk an invoice monthly for hours of work performed, and that any invoice be subsequently reviewed for consideration of payment by the Town Board at its next scheduled monthly meeting.

VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Woodhead made the motion that the hourly compensation of the Highway Department employees be as follows and that each of these full-time Highway Department employee receive health insurance:

1. Timothy Griffin, Commercial Driver Class B, receive an hourly compensation rate of \$16.42 beginning January 1, 2009;
2. Brian Freaney, Commercial Driver Class B, receive an hourly compensation rate of \$16.42 beginning January 1, 2009;
3. Ryan Hatch, Commercial Driver Class B, receive an hourly compensation rate of \$16.42 beginning January 1, 2009; and,
4. Terry Walden, Commercial Driver Class B, receive an hourly compensation rate of \$16.42 beginning January 1, 2009.

The motion was seconded by Councilperson Batt. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended and Councilperson Van Dusen made the motion, seconded by Councilperson Woodhead, that the following individuals be appointed to the following non-compensated positions for the term specified hereinafter:

1. David McCoy as Planning Board member with a term expiring December 31, 2015;
2. David McCoy as Chair of the Planning Board with a term expiring December 31, 2009;
3. Robert Fischer as Deputy Chair of the Planning Board with a term expiring December 31, 2009;
4. With the recommendation of all members of the Board of Assessment Review, Kirk Austin as Chair of the Board of Assessment Review with a term expiring December 30, 2009; and,
5. With the recommendation of all members of the Board of Assessment Review, Paul Slawiak as Deputy Chair of the Board of Assessment Review with a term expiring December 31, 2009.

VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.



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### **Newspaper Designation**

Supervisor Keeley recommended and Councilperson Woodhead made the motion that the official newspaper be the Olean Times Herald. The motion was seconded by Deputy Supervisor Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Meeting Schedule**

Supervisor Keeley recommended that:

1. The Town Board meet at 7:00PM on the third Wednesday of each month;
2. The Town Board meetings be held each month at the Westons Mills Community Center located at 1310 Olean Portville Road, Westons Mills, NY 14788;
3. The Planning Board meet at the Town of Portville Municipal Building at 7:00PM on the first Thursday of each month;
4. The full meeting calendar be published in the Olean Times Herald newspaper, on the Town Clerk's bulletin board, in the Portville and Westons Mills Post Offices, and in the Portville Park & Shop Service Store, and on the web site [www.portville-ny.com](http://www.portville-ny.com).

Councilperson Woodhead made the motion to adopt the recommendation and was seconded by Councilperson Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Meeting Protocol**

Supervisor Keeley recommended that each of 3 boards – Town Board, Planning Board, and Board of Assessment Review – conduct their respective meetings using the following protocols:

1. Agendas: All topics for discussion will, as much as is possible, be communicated by e-mail to the respective leadership team of the specific board holding the meeting. Distribution of material must be in the e-mail queue or in-box at the Town Office at 1102 Olean-Portville Road, Portville, NY at least 3 days before the start of the meeting.
2. Timely Meeting Initiation: All meetings must start within 10 minutes of their published start times to respect the time the community and town officials are taking to conduct town business.
3. Confirmation of a Quorum: The presiding leader of the respective board will publicly acknowledge within 10 minutes of the scheduled meeting start time if a quorum of a simple majority of members is present in order to conduct a public meeting. If a quorum does not exist, the meeting will be cancelled.
  - a. Town Board – minimum of 3 members.
  - b. Planning Board – minimum of 4 members.

The banner image shows a row of houses with green roofs and white siding. The text "TOWN OF PORTVILLE, NEW YORK" is overlaid in white on a dark green background at the bottom of the image.

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- c. Board of Assessment Review – minimum of 3 members.
4. Attendee Register: The presiding secretary to the respective board will enable attendees to sign an attendee register that shall accompany the minutes as Exhibit A and not be specifically included in the text of the minutes.
5. Pledge of Allegiance: The presiding leader of the meeting will ask attendees to stand and together say the Pledge of Allegiance.
6. Introduction of Officials: The presiding leader will introduce to all attendees the names of the attending officials.
7. Respect To The Public: Each and every town official shall show respect at all times to the public. Profanity or disrespect is strictly prohibited and for appointed officials shall be grounds for removal from their leadership position.
8. Public Comment: The public has a right to attend any public meeting. By law, it is at the discretion of the presiding leader of the respective board to acknowledge and allow one or more members of the public to provide comment or question. Unless otherwise stated, any comment or question is limited to 5 minutes. Prior to making comment or question, the member of the public is required to give his/her name and residential address. If profanity or unlawful behavior occurs, that person will be asked to immediately leave the building and may possibly be restricted from reentry in the future.
9. Review of Previous Meeting's Draft Minutes: The presiding leader of the applicable board will ask attending members if they have read the Draft Minutes and have any comments or corrections. Draft Minutes will not be read aloud by the presiding Secretary or Town Clerk. The presiding leader of the applicable board will recap the corrections verbally and ask for a motion, second and vote to accept the Draft Minutes with stated corrections. Once carried, the Secretary to that board, or the Town Clerk in the case of the Town Board, will incorporate the approved corrections and publish the Approved Minutes.
10. Mandatory Monthly Reporting By Department Leadership At Town Board Meetings: Each Department Leader (Highway Department Superintendent, Town Clerk, Assessor, Building Inspector, Code Enforcement Officer, Flood Control Officer, Planning Board Chair, is required to attend and report on his/her department's accomplishments, risks, opportunities, and activities for the next month. These Department Leaders are required to submit their respective report to the Town Clerk by email 5 days in advance of the meeting in Microsoft Word or PDF format. The Town Justice is required to produce a written report of the same factors and deliver that report in Microsoft Word or PDF format by email to the Town Clerk 5 days before the scheduled Town Board meeting, but is not required to attend the Town Board meeting. The Dog Control Officer is required to produce a written report of accomplishments, risks and opportunities to be submitted by email in Microsoft Word or PDF format 5 days in advance of the Town Board Monthly Meeting. The Town Historian is only required to attend if specifically requested or if he or she wishes to have a specific issue addressed.
11. Mandatory Document Types: Documents for use within the Town that are electronically produced shall only use the 97 through 2003 output format of Microsoft Word, Excel or PowerPoint for the various versions on the Windows Operating System, or shall be produced in the 2000 through 2004 output format on the MacOS Operating System. Alternatively, any document may be produced in PDF format as long as editing or document integration is not required.



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12. Minutes: The meeting shall be electronically recorded by the applicable secretary to that Board. Draft Minutes will be published by email in PDF format by the presiding secretary to all members of the applicable board within 3 business days of that meeting to their respective portville-ny.com email addresses. Once the applicable board has approved the prior-month's Minutes, the presiding secretary will publish the prior-month's Approved Minutes in PDF format to the entire town leadership team within 3 business days of that meeting to their respective portville-ny.com email addresses. The Supervisor will then publish the prior-month's Approved Minutes on the portville-ny.com web site. All recording tapes used by the applicable meeting Secretary will be submitted to the Town Clerk within 10 days of the meeting for safekeeping for a period of 4 months.
13. Public Recording of Meeting: New York State Law allows members of the public to electronically record any public meeting. The public shall have the right to do this recording from their specific location in the meeting but may not disrupt others ability to listen, view or participate in the meeting. The Town of Portville shall not be obligated to provide any electronic or electricity resources to the public for this purpose.

Councilperson Van Dusen made the motion to adopt the recommendation and was seconded by Councilperson Batt. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Designation of Financial Institutions**

Supervisor Keeley recommended that the Town of Portville designate Community Bank, Five Star Bank and MBIA NYClass as its financial institutions for deposits, disbursements and investments. Deputy Supervisor Stern made the motion to adopt the recommendation and was seconded by Councilperson Van Dusen. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Investment and Funds Transfer Direction**

Supervisor Keeley recommended, even though it appears allowed by New York State Town Law already, for increased clarity that the Supervisor have the latitude and ability to make any investment and funds transfer decisions independent of the Town Board for the purpose of gaining the best interest yields on insured deposits and for the purpose of sufficiently funding the operating accounts from which checks are drawn to pay the expenses of the Town of Portville. Councilperson Batt made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Designation of Payroll Services**

Supervisor Keeley recommended that the Town of Portville designate Edward Bysiek, CPA as its payroll service provider for the Town of Portville elected officials, appointees, and employees. Councilperson Batt made the motion to adopt the recommendation and was seconded by Councilperson Van Dusen. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Mileage Reimbursement For Town Business**



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Supervisor Keeley recommended and Councilperson Woodhead made the motion that the Town of Portville reimburse \$0.58 per mile to elected, appointed, and employed individuals who have received Town Board authorization to use their personal vehicle to travel to a specific location for training or town business, and that any mileage be submitted by the applicable elected or appointed individuals for reimbursement in the month in which it was incurred. The motion was seconded by Councilperson Batt. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Highway Superintendent Pre-approved Spending Limit**

Supervisor Keeley recommended and Councilperson Van Dusen made the motion, in accordance with Town Law 142 section 1a, that the Highway Superintendent be allowed to make budgeted purchases for the purpose of:

1. individual supply or repair acquisitions of \$1,000 or less without Town Board approval;
2. individual supply or repair acquisitions of over \$1,000 but less than \$5,000 with written authorization by email from either the Supervisor or Deputy Supervisor;
3. any supply or repair acquisition over \$5,000 must be considered for pre-authorization by the Town Board in its monthly meeting; and,
4. any capital asset acquisition of any amount must be considered for pre-authorization by the Town Board in its monthly meeting.

The motion was seconded by Deputy Supervisor Stern VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Highway Superintendent CHIPS Prerequisite Spending Authorization Process**

Supervisor Keeley recommended and Deputy Supervisor Stern made the motion that the Highway Superintendent not be allowed to spend the \$52,500 in CHIPS materials as specified in line item 96 of the 2009 Town of Portville budget unless specific written confirmation to the Town of Portville board from the State of New York indicates that an equivalent \$52,500 will be remitted by the State of New York to the Town of Portville prior to December 31, 2009.

The motion was seconded by Councilperson Batt. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Highway Superintendent Annual Inventory Report**

Supervisor Keeley recommended and Councilperson Batt made the motion that, in accordance with Town Law 32, the Highway Superintendent submit to the town board on January 21, 2009 a complete written inventory of all machinery, tools, implements and equipment within the Highway Department.

The motion was seconded by Councilperson Van Dusen. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Shared Fuel Facility Resolution**



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Supervisor Keeley recommended and Councilperson Woodhead motioned that the Town Board adopt Resolution RES-20090105.1 wherein the Town of Portville in collaboration with the Village of Portville, Portville Fire District, Westons Mills Fire District, and the Portville Central School District would jointly submit a grant application for \$373,360 to implement a shared fuel facility installed and operated by the Town of Portville with the Town of Portville acting as lead agency/applicant and with the Portville Central School District acting as fiscal agent. The motion was seconded by Deputy Supervisor Stern. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Adjournment**

Supervisor Keeley recommended that the Organizational Meeting be adjourned, that Judge Hale perform the swearing in of appointees, that following the swearing in, appointees, accompanied by their families, meet in the adjacent room to sign the oath book, and thanked the public for attending the organizational meeting. The motion was made by Councilperson Batt and seconded by Councilperson Van Dusen to adjourn at 6:50PM. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Respectfully submitted and signed,

James Parks  
Town Clerk  
Town of Portville, New York  
January 5, 2009



# TOWN OF PORTVILLE, NEW YORK

**Resolution RES-20090105.1:      SHARED FUEL FACILITY AUTHORIZATION AND COMMITMENT OF MATCHING FUNDS**

At a meeting held on January 5, 2009, the Portville Town Board authorized Harry W. "Terry" Keeley, Supervisor, to collaborate with the Portville Central School District, the Village of Portville, the Portville Fire District and the Westons Mills Fire District (Kinney Hose Company), in the submission of an application to the New York State, Department of State's *Local Government Efficiency Grant* program, requesting \$336,024, for the construction of a centralized, shared fuel farm, on town-owned land. Grant funds will be matched by the Portville Central School District, with \$37, 336, in cash, or 10% of the total project cost of \$373,360.

Upon notification of award, the Town of Portville will enter into Inter-municipal Agreements with the Portville Central School District, the Village of Portville, the Portville Fire District and the Westons Mills Fire District (Kinney Hose Company).

The Town of Portville is the lead agency/applicant.

The Town of Portville agrees that the Portville Central School District will serve as fiscal agent for the proposed project and that the district will: maintain correspondence with the New York, Department of State; pay construction costs and request reimbursement from New York State; and be responsible for the receipt and disbursal of project funds.

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James Parks  
Town Clerk  
Town of Portville