



DATE: January 16, 2008

TIME: 7:00PM

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

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

PRESENT: Terry Keeley, Supervisor
Dennis Cornell, Deputy Supervisor
Marlin Jeffers, Councilperson
William Stern, Councilperson
Gary Woodhead, Councilperson
James Parks, Town Clerk
Stuart Frost, Highway Superintendent
Bill Sponsler, Planning Board Chair
Bob Fischer, Zoning Board of Appeals Chair
Ed Bysiek, Bookkeeper
Eva Taggerty, Code Enforcement Officer

County Legislator Michael O'Brien
County Legislator Joseph McLarney

Sixty eight Members of the Public and media

Procedural Compliance

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

Supervisor Keeley welcomed everyone and asked the town board, highway superintendent, and town clerk to introduce themselves. All board members were present to satisfy a quorum.

The minutes of the December 18, 2007 town board meeting were reviewed and a motion to approve was made by Councilperson Stern, seconded by Deputy Supervisor Cornell and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

The draft minutes from the January 3, 2008 Organizational Meeting were reviewed and a motion to approve was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Vouchers

Monthly vouchers were presented by Town Clerk Parks and Highway Superintendent Frost. A motion to approve was made by Deputy Supervisor Cornell, seconded by Councilperson Stern and approved by the Town Board. VOTE: VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.



TOWN OF PORTVILLE, NEW YORK

Freaney Compensation Correction

During the Organization Meeting held January 3, 2008, the COLA of four (4%) percent was inadvertently omitted from highway employee Brain Freaney's pay schedule. A motion was made by Councilperson Stern, seconded by Deputy Supervisor Cornell and approved by the Town Board to make this correction retroactive to January 1, 2008 reflecting \$14.56 through March 12, 2008. Effective March 13, 2008 his pay rate would be changed to \$15.64. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Kennel Use Intermunicipality Agreement With The Town of Allegany

An Intermunicipal Agreement with the Town of Allegany and the Town of Portville was drafted by the Town of Allegany to lease kennel space from the Town of Portville at a cost of five (\$5) dollars per day per dog. The lessee will provide reimbursement for food and medical. All amounts due under this agreement will be paid within forty five (45) days and the town of Allegany agrees to defend, indemnify and hold the Town of Portville harmless for any claims. A motion was made by Councilperson Stern, seconded by Deputy Supervisor Cornell, and approved by the Town Board to accept this agreement. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO

Town Computer Systems Upgrade

Supervisor Keeley explained that the computer systems within the town offices are not set up to safeguard the business processes of the town in compliance with accepted computer security and auditing standards. The operating systems on each computer differ, have incorrect installations, are inadequate in some cases to run select applications and some are outdated for support. It was recommended that the accounting systems, assessor systems, town clerk systems, highway superintendent's system, and the administrative shared resource system each be a separate computer. Likewise, it was recommended that all systems run Windows XP Professional, have Norton 360 for security, run Microsoft Office 2007, and on two new systems run Adobe Acrobat 8 Standard. Additionally, it was recommended to acquire a high speed color laser printer for shared printing. The total expenditures would be \$3780.00. This would be a tax exempt purchase and installation and labor would be donated by Supervisor Keeley. A motion to accept the above recommendations was made by Councilperson Stern, seconded by Deputy Supervisor Cornell, and approved by the Town Board. VOTE: Keeley (ABSTAIN), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 1-YES 0-NO 1- ABSTAIN.

Seybert Sign Recommendation

Planning Board Chair Sponsler discussed the sign application of Seybert Auto Sales and noted that all requirements were met, reviewed, and accepted by the planning board. Chair Sponsler then recommended that the Town Board make final approval of this sign application. A motion to accept the Seybert Auto Sales sign application was made by Councilperson Woodhead, seconded by Councilperson Stern, and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Permanent Sluice Pipe For Windfall

Highway Superintendent Frost updated the Town Board on the progress of a culvert replacement on the Windfall Road. The estimated cost of materials is \$227.00 dollars per linear foot. This will equate to about



\$20,000. This cost also includes necessary collars and hardware for installation. A motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern, and approved by the Town Board to purchase and install the culvert under the Windfall Road. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

284 Highway Agreement

The Highway Agreement in accordance with section 284 of the Highway Law was explained by Superintendent Frost. The Town Highway department must obtain permission from the Town Board and file with the County Superintendent's office to spend \$98,000 for general repairs on 38.92 miles of town road, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof. A motion was made by Councilperson Woodhead, seconded by Councilperson Stern, and approved by the Town Board to comply with section 284 of the Highway Law. Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Proposed Agreement For Village Police Services On Portville Central School Property

Supervisor Keeley reviewed the Cooperative Agreement between the Town Of Portville, Village Of Portville, Portville Central School District, all of Cattaraugus County, State of New York pursuant to general municipal law, article 5-g. concerning Village of Portville police services to be performed at Portville Central School District functions. Supervisor Keeley recommended that the Town Board not adopt the agreement as written because the agreement would obligate the Town and PCSD to pay the Village for these services. He recommended that the Town communicate back to the Village and PCSD that changes need to be made by the Village of Portville and PCSD to charge PCSD exclusively for these services and to better define indemnification between the three government entities. A motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern, and approved by the Town Board to accept the agreement when properly amended by the Village and the school district. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Town Funds Investment

Supervisor Keeley explained part of his duties as Town Treasurer permits him to invest funds, in accordance with NYS law governing municipalities, into various financial institutions to gain maximum yield while protecting the principal. He recently moved a majority of funds from Community Bank to Key Bank to increase the yield by an average of two percent (2%). Continuing efforts to improve performance and liquidity will occur over time.

Proposed Building Code Law Public Hearing

A public hearing was integrated with the Town Board meeting to hear public comment on, review and consider adoption of a local law that embarrasses the NYS Fire Prevention and Building Code. Town Supervisor Keeley noted that two revisions were made to the standard wording of this law: 1) to ensure timely and effective records retention; and 2) to enable revocation of permits and certificates of occupancy and completion should the holder's check be returned unpaid. The proposed law, which embraces NYS building codes, should improve the safety and longevity of structures. A public discussion took place to the satisfaction of all. A motion to adopt this local law that will be known as Local Law 1 2008 was made by Councilperson Stern, seconded by Councilperson Jeffers and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.



TOWN OF PORTVILLE, NEW YORK

Acting Assessor Recommendation

Supervisor Keeley recommended that the Board consider approving the hiring of Dan Martonis as the acting assessor between January 21, 2008 and July 21, 2008, that his salary be \$2,500 a month, that he work no less than 20 hours per week (4 of which must be at the Town Office), that he receive his salary at the semi-monthly rate of \$1,250 on the 1st and 15th of each month, that he receive no health benefits, and that his employment would be conditional on signing an employment contract to be drafted by the Supervisor. A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Board to adopt the recommendation. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Planning Board Member Candidate

Supervisor Keeley noted that Charlene Van Dusen asked that she would like to be considered as a candidate for the Planning Board. Supervisor Keeley has asked that Planning Board Chairperson Bill Sponsler and at least two Town Board members interview her before the next meeting. If accepted, she will be appointed at the February Town Board Meeting to serve a seven (7) year term expiring December 31, 2014.

Board of Assessment Review Candidates

Supervisor Keeley brought to the Board's attention that Mike Batt, Gary Van Dusen, Liz Augostini and Kirk Austin have expressed interest in being considered as candidates for the Board of Assessment Review. Supervisor Keeley has asked that at least two members of the Town Board interview each candidate before the February Town Board Meeting. If accepted, each candidate will be appointed at the February Town Board Meeting to staggered terms of 1, 2, 3, 4, and 5 years.

Defense and Indemnification Resolution

The defense and indemnification of officers and employees of the town of Portville, New York, as outlined in Public Officer Law 18, is recommended for adoption as a Town Resolution by the Town's legal counsel. This resolution is designed to protect the officers and employees of the Town in the event of a lawsuit. This will enable the Town to defend them based on the actions they were performing for the Town. A motion was made by Councilperson Stern, seconded by Councilperson Jeffers and approved by the Town Board to pass this resolution that will be known as RES-20080116.1 and become effective January 16, 2008. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Article 78 Update

The Article 78 lawsuit that was filed has had very little progress. The focus now of the Town Board is to ensure that the 2008 assessment roll is effectively and correctly evolved and released. Supervisor Keeley cited that the assessor can make immediate changes to those properties that have Land Totals larger than the land rate table computation. For those who had Land Totals that were less than the land rate table computation, the Town is not allowed by law to touch those except when the Town does a town-wide reassessment. A discussion will take place by the Board of the possibility of sending out taxpayers' cost valuation reports so they will have a better understanding of how their assessments were computed. The assessor will attempt to remedy as many situations as possible before May 1, 2008. After May 1st the assessor is not allowed by law to make any changes. Only the Board of Assessment Review can issue



instructions for change. Supervisor Keeley explained that the Assessor and all Boards involved will work within the framework of the law and enable as many of these corrections to take place in this very short timeline as possible.

Monthly Reports

The following monthly department reports were given:

- Town Clerk & Tax Collector
- Court
- Highway Department
- Building Department
- Planning Board
- Zoning Board of Appeals

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to accept the monthly reports as given. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

911 Number Issuance Responsibility

Supervisor Keeley informed the Town Board, though input provided by Code Enforcement Officer Taggerty, that the Portville Fire District would like to relinquish its responsibility for 911 numbers. The fire district would like CEO Taggerty to accept that responsibility. An agreement to accept this responsibility has been drafted by the fire commissioners. A motion was made by Councilperson Stern; seconded by Deputy Supervisor Cornell and approved by the Town Board that the Town of Portville's Code Enforcement Officer accept 911 number issuance responsibility from the Portville Fire District. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Haskell Road Improvement Announcement

County legislator Mike O'Brien announced that the county has granted 2.2 million dollars for improvements to the Cattaraugus County portion of the Haskell Road.

Adjournment

Being there no further business a motion to adjourn at 9:00PM was made by Deputy Supervisor Cornell, seconded by Councilperson Jeffers and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO.

Respectfully submitted and signed,

James Parks
Town Clerk
Town of Portville, New York