



## TOWN OF PORTVILLE, NEW YORK

DATE: March 19, 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  
William Stern, Councilperson  
Gary Woodhead, Councilperson  
James Parks, Town Clerk  
Stuart Frost, Highway Superintendent  
Dave McCoy Planning Board Deputy Chair  
Dan Martonis, Acting Assessor

Absent; Marlin Jeffers, Councilperson

Fifteen members of the community.

### **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. Four board members were present to satisfy a quorum.

The minutes of the February 20, 2008 town board 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), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

### **Public Comments**

A Public Comments session was offered with no respondents.



## **Department Reports**

The following monthly department reports were given:

- Town Clerk
- Bookkeeper
- Highway Department
- Assessor
- Code Enforcement Officer
- Dog Control Officer
- Planning Board
- Zoning Board of Appeals
- Board of Assessment Review
- Town Court

A motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern and approved by the Town Board to accept the Department Reports as given. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

## **New Business**

### **Agenda Item #1: FINACIAL UPDATE**

(Refer to attachment accompanying these minutes)

### **Agenda Item #2: SELECTION OF CHAIR OF PLANNING BOARD**

Due to the untimely resignation of Planning Board Chair Bill Sponsler a vacancy was created. A motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern and approved by the Town Board to appoint David McCoy as Planning Board Chair with a term expiring December 31, 2008. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

Town Clerk Parks administered the oath of office to David McCoy and the Oath of Office book was dually signed



**Agenda Item #3: LOCAL LAW 2 2008**

**A local law providing for adoption of New York State Standard Veteran's Exemption criteria and amounts.**

Be it enacted by the Town Board of the Town of Portville as follows:

The Town of Portville shall, by this local law: a) adopt the eligibility criteria, standards, processes, and exemption amounts definition for Veteran's Exemptions within Section 458, 458-a and 458-b of New York State Real Property Tax Law; b) repeal Local Law 1 1990 whose purpose was to reduce the maximum Veteran's exemption allowable pursuant to Section 458-a of the Real Property Tax Law of the State of New York; and c) repeal any other Local Law adopted prior to January 1, 2008 which set restrictions or limits on Veteran's exemptions other than those specified in Section 458, 458-a, or 458-b of the New York State Real Property Tax Law.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

A motion was made by Councilperson Stern, seconded by Deputy Supervisor Cornell and approved by the Town Board to adopt Local Law 2 2008. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

**Agenda Item #4: MOSQUITO ABATEMENT SPRAYING PROGRAM**

A discussion took place to consider the approval of the mosquito abatement spraying program offered by Cattaraugus County in the amount of \$6,000. A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to sign a contract with the Cattaraugus County for mosquito spraying. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

**Agenda Item #5: GROUP HEALTH INSURANCE**

Highway Supervisor Frost gave a dissertation regarding Cattaraugus County Town Highway Superintendents Association proposal to create a larger pool to get better deals on health insurance coverage. This can be accomplished by all county highway employees acting as one bargaining unit when negotiating deals with various insurance companies. .



**Agenda Item #6: SOUTHERN TIER RAILROAD AUTHORITY**

Supervisor Keeley gave an update regarding the tax impact and result of the Railroad Tax Reduction Act on the STERA properties within the town.

On the first page the abatement and PILOT schedule for the east-west and north-south railroad line transactions, which have been combined into a document that is an amendment of the original east-west line transaction document. (That's why you see the reference to Exhibit 1 replacing the corresponding Exhibit A in the original Memorandum of Agreement.) By cross referencing this with the second page, you'll see that there is a 100% property tax abatement from 2007 through 2017, the beginning or ending year depending on the taxing jurisdiction type. The PILOT is \$0 for all 10 years excepting years 1, 8, 9, and 10. In the first year, there is a total one-time transition payment equal to \$165,000, which STERA apportioned amongst all the taxing jurisdictions for all of the north-south line parcels, on a pro rata basis based on most recent prior year relative tax payments received. This was the check you received. In years 8, 9, and 10, the PILOT to be paid will be 33%, 66% and 100% of the taxes otherwise due, respectively. The \$40,000 is an amount negotiated separately, and is a payment between WNYP to STERA that funds STERA's operations.

(Refer to attachment accompanying these minutes)

**Agenda Item #7: S.P.C.A. CONTRACT**

The Town Board reviewed the proposed agreement offered by the SPCA in Cattaraugus County. After review a motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern, and approved by the Town Board to return the agreement unsigned to be rewritten as to follow the guidelines set forth by the NYS Department of Agriculture and Markets Law. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

**Agenda Item #8 RPTL 421-F PROPOSAL**

A discussion took place regarding the scheduling of a public hearing in April to consider adopting RPTL 421-F as a local law to incent property owners to do property improvements with temporary avoidance of partial assessment increases due to those improvements. Next month's hearing will also provide an update on how the law works with various taxing authorities.



**Agenda Item #9**

**MUNICIPAL BUILDING REMODEL**

Deputy Supervisor Cornell gave an update on the progress of the proposed remodel plan and contacting an architect with respect to getting drawings. Structural changes must be made to the Town Offices to come in compliance state code pertaining to handicapped accessible facilities, court proceedings, and record keeping integrity. Hannon Engineering from the Salamanca offered a rough engineering and drafting quote between \$1,000 and \$2,000. Mr. Cornell will be obtaining more quotes for this project to be given at next month's meeting.

**Agenda Item #10**

**SHARED FUEL FACILITY**

An update regarding a shared fuel facility with the school district regarding tank size, location and management options was given by Supervisor Keeley. The Town has property that could be used for a proposed new school bus barn as well as fueling capabilities. Similar conversations need to take place between the two fire districts and the Village for their input on creating a shared fuel facility.

**Agenda Item#11**

**SERVICE FEE REVIEW**

A comparison regarding the Town of Portville fees versus several neighboring municipalities and whether or not a proposal in April to the public should be made to update those fees.

**Agenda Item #12:**

**COMMISSION ON PROPERTY TAX RELIEF**

Supervisor Keeley informed the public and the Board about the forthcoming testimony he will give before the Commission on Property Tax Relief in Buffalo April 2, 2008.

**Agenda Item #13:**

**EXPENSE REVIEW**

The Town Board reviewed the February expense report. A motion was made by Deputy Supervisor Cornell, seconded by Councilperson Stern and approved by the Town Board to approve for payment the February 2008 monthly bills. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

**Agenda Item #14                      COUNCILPERSON VACANCY**

Town Supervisor Keeley and the Town Board accepted with regrets the resignation of Councilperson Marlin Jeffers effective March 31, 2008. This vacancy will be created on April 1, 2008 and run through December 31, 2008. Any member of the public interested in filling this position is invited to send their letter of intent to Supervisor Keeley by email; [terry.keeley@portville-ny.com](mailto:terry.keeley@portville-ny.com) or by mail no later than April 11, 2008. All candidates will be fairly and openly considered.

**Adjournment**

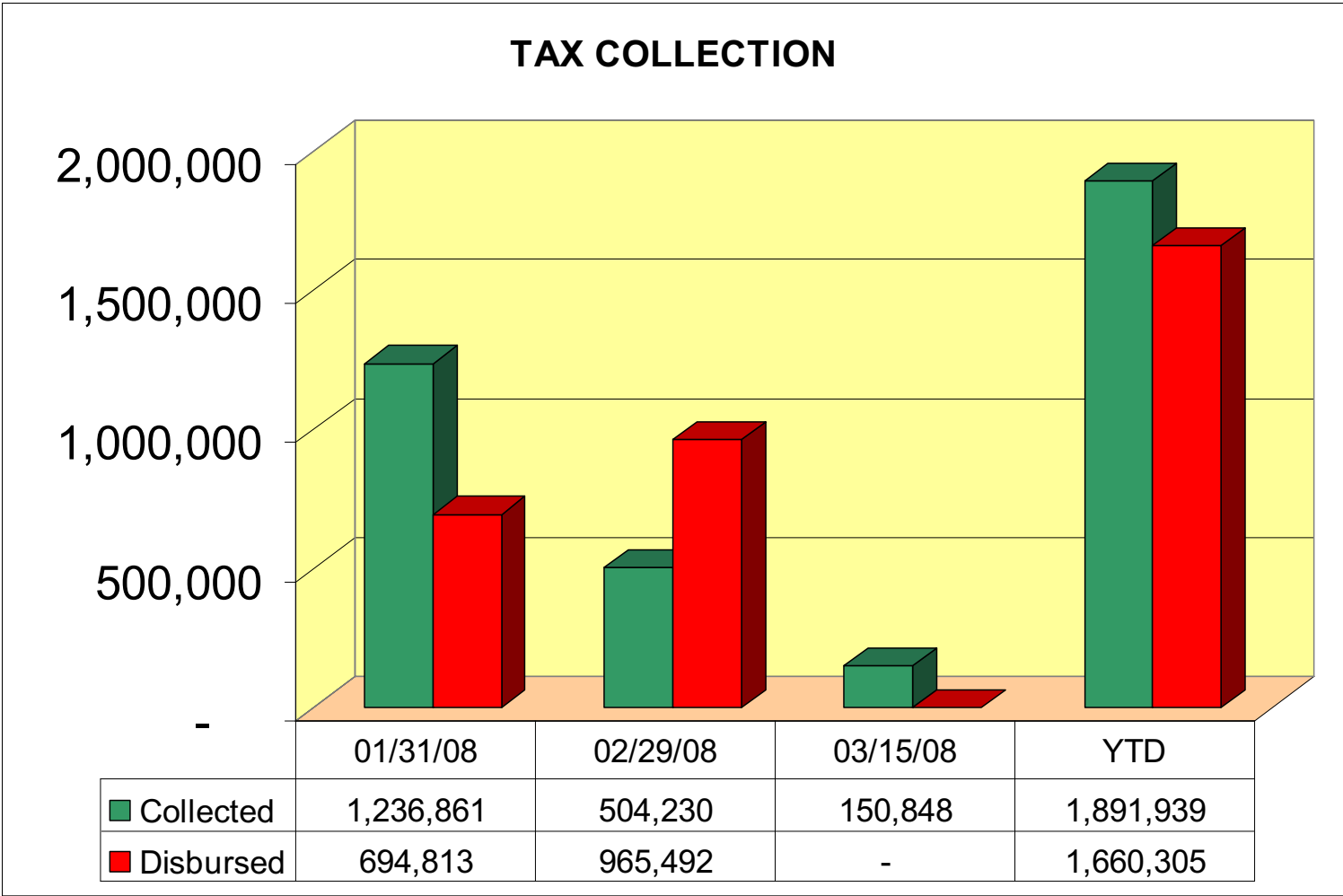
Being there was no further business a motion to adjourn at 9:00PM was made by Councilperson Woodhead, seconded by Councilperson Stern and approved by the Town Board. VOTE: Keeley (YES), Cornell (YES), Jeffers (Absent), Stern (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO.

Respectfully submitted and signed,

James Parks  
Town Clerk  
Town of Portville, New York



**Exhibit A (Agenda Item #1: Financial Update)**





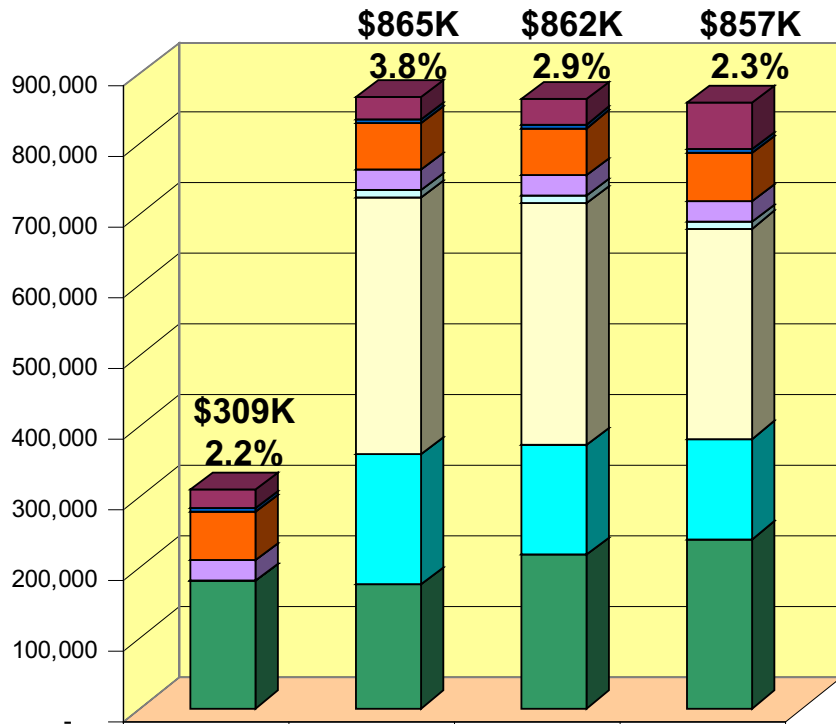
# TOWN OF PORTVILLE, NEW YORK

## TAX COLLECTION DISTRIBUTION AS OF 03/15/2008

|                                 |                  | Distribution | Collected   |
|---------------------------------|------------------|--------------|-------------|
| General Fund                    | 208,587          | 9%           | 100%        |
| Highway Fund                    | 389,223          | 16%          | 100%        |
| Happy Hollow Sewer District     | 10,403           | 0%           | 100%        |
| Happy Hollow Lighting District  | 2,400            | 0%           | 100%        |
| Westons Mills Lighting District | 4,200            | 0%           | 100%        |
| Westons Mills Fire District     | 45,260           | 2%           | 100%        |
| Portville Fire District         | <u>113,568</u>   | <u>5%</u>    | <u>100%</u> |
|                                 | <b>773,641</b>   | <b>32%</b>   | <b>100%</b> |
| Cattaraugus County              | <u>1,118,298</u> | <u>46%</u>   | 67%         |
| <b>Total Taxes Collected</b>    | <b>1,891,939</b> | <b>78%</b>   |             |
| <b>Uncollected Taxes</b>        | <b>542,570</b>   | <b>22%</b>   |             |
| <b>Total Taxes Billed</b>       | <b>2,434,509</b> | <b>100%</b>  |             |

# TOWN OF PORTVILLE, NEW YORK

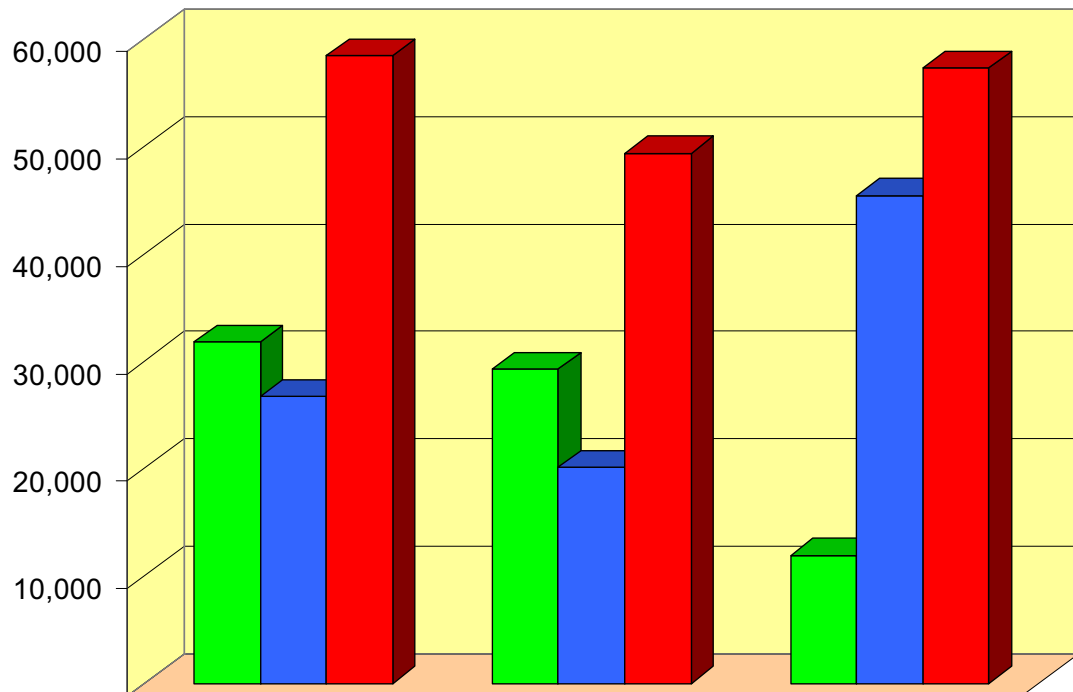
**Cash Asset Balance Sheet**



|                              | 12/31/07 | 01/31/08 | 02/29/08 | 03/15/08 |
|------------------------------|----------|----------|----------|----------|
| ■ Checking Accounts          | 26,976   | 31,645   | 35,989   | 65,977   |
| ■ Happy Hollow Sewer Reserve | 5,187    | 5,187    | 5,187    | 5,192    |
| ■ Highway Reserve            | 67,376   | 67,376   | 67,376   | 67,442   |
| ■ General Reserve            | 28,838   | 28,838   | 28,838   | 28,866   |
| □ Sewer Fund                 | -        | 10,403   | 10,403   | 10,403   |
| □ Highway Fund               | -        | 362,548  | 342,448  | 297,048  |
| ■ General Fund               | -        | 183,415  | 154,163  | 142,263  |
| ■ Capital Investment         | 180,511  | 175,955  | 217,768  | 239,452  |

# TOWN OF PORTVILLE, NEW YORK

## OPERATING EXPENSE



|                | January, 2008 | February, 2008 | March-To-Date, 2008 |
|----------------|---------------|----------------|---------------------|
| Administration | 31,772        | 29,252         | 11,900              |
| Highway        | 26,675        | 20,100         | 45,400              |
| Total          | 58,447        | 49,352         | 57,300              |

(Replaces Exhibit A In MOA)

Payment In Lieu of Taxes (PILOT)

| Year (1) | Total PILOT Due (2) |   |          |   |           |
|----------|---------------------|---|----------|---|-----------|
| 1        | 0%                  | + | \$40,000 | + | \$165,000 |
| 2        | 0%                  | + | \$40,000 |   |           |
| 3        | 0%                  | + | \$40,000 |   |           |
| 4        | 0%                  | + | \$40,000 |   |           |
| 5        | 0%                  | + | \$40,000 |   |           |
| 6        | 0%                  | + | \$40,000 |   |           |
| 7        | 0%                  | + | \$40,000 |   |           |
| 8        | 33%                 | + | \$40,000 |   |           |
| 9        | 66%                 | + | \$40,000 |   |           |
| 10       | 100%                | + | \$40,000 |   |           |

Notes

1. "Year" refers to the year of the ten-year abatement period, running from 2007 through and including 2016.
2. The total Payment In Lieu of Taxes (PILOT) percentage figure indicates an amount which is a percentage of taxes for which NS would become liable as of the current year's tax status date, if NS owned the line, plus the annual abatement fee, plus, in year 1 only, the transition fee of \$165,000 as shown above.

EXHIBIT 2

(Replaces Exhibit B In MOA)

| <u>Year</u> | <u>PILOT Due</u> | <u>Based on Tax Status as of</u> | <u>Replaces School Taxes Due</u> | <u>Replaces Town/County Taxes Due</u> |
|-------------|------------------|----------------------------------|----------------------------------|---------------------------------------|
| 1           | 12/31/07         | spring 2007                      | September 2007                   | January 2008                          |
| 2           | 12/31/08         | spring 2008                      | September 2008                   | January 2009                          |
| 3           | 12/31/09         | spring 2009                      | September 2009                   | January 2010                          |
| 4           | 12/31/10         | spring 2010                      | September 2010                   | January 2011                          |
| 5           | 12/31/11         | spring 2011                      | September 2011                   | January 2012                          |
| 6           | 12/31/12         | spring 2012                      | September 2012                   | January 2013                          |
| 7           | 12/31/13         | spring 2013                      | September 2013                   | January 2014                          |
| 8           | 12/31/14         | spring 2014                      | September 2014                   | January 2015                          |
| 9           | 12/31/15         | spring 2015                      | September 2015                   | January 2016                          |
| 10          | 12/31/16         | spring 2016                      | September 2016                   | January 2017                          |

Notes

1. Due dates for City and Villages taxes vary with municipality.
2. Agreement term ends December 31, 2016.
3. In each year, excepting the first year, the total PILOT payments due to the Authority shall consist of the percentage-based PILOT component and an annual abatement fee of \$40,000. In the first year, the total PILOT payments due to the Authority shall consist of the percentage-based PILOT component plus an annual abatement fee of \$40,000 plus a one-time transitional PILOT fee of \$165,000.
4. In years one, eight nine and ten, all payments, due excepting the \$40,000 annual abatement fee, shall be paid on the following dates and in the following percentages of the amounts listed in Exhibit 1: April 15 of years one, eight, nine, and ten, 10%; September 15 of years one, eight nine and