



# TOWN OF PORTVILLE, NEW YORK

DATE: July 21, 2010

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, Town Supervisor  
William Stern, Deputy Supervisor  
Gary Woodhead, Councilperson  
Charlene Van Dusen Councilperson  
Terri Batt, Councilperson  
Stuart Frost, Highway Superintendent  
James Parks, Town Clerk

Members of the community and media

## **Procedural Compliance**

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

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

## **Public Comments**

No public comments were offered.

## **June 16, 2010 and June 28, 2010 Minutes Review**

The June 16, 2010 and June 28, 2010 Town Board meeting minutes were reviewed and a motion to approve was made by Councilperson Stern and seconded by Councilperson Woodhead and approved by the Town Board. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO



## TOWN OF PORTVILLE, NEW YORK

### **Department Reports**

The following monthly department reports were given:

- Town Clerk
- Bookkeeper
- Highway Department
- Building Department
- Assessor
- Planning Board
- Dog Control Department
- Town Justice

A motion was made by Councilperson Van Dusen, seconded by Councilperson Batt and approved by the Town Board to accept the Department Reports as given. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO

### **New Business**

#### **Agenda Item #1 FINANCIAL UPDATE**

Supervisor Keeley gave an update regarding the town's balance sheet and expenses.

#### **Agenda Item #2 RESOLUTION 20100721.15**

A motion was made by Councilperson Woodhead, seconded by Councilperson Batt and approved by the Town Board to adopt RES-20100721.15 that enacted Local Law 1 2010 that defined appointed position residency requirements. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO.

(Refer to attachment accompanying these minutes)

**Agenda Item #3 RESOLUTION 20107021.16**

A motion was made by Councilperson Van Dusen, seconded by Councilperson Stern and approved by the Town Board to adopt RES-20100721.16 that would grant tax exempt status to the Portville Historical and Preservation Society and its two (2) newly acquired properties, 104.002-1-2- and 104.002-1-25. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (ABSTAIN), Batt (ABSTAIN) MOTION CARRIED 3-YES 0-NO.2-ABSTAIN

(Refer to attachment accompanying these minutes)

**Agenda Item #4 RESOLUTION 20107021.17**

A motion was made by Councilperson Woodhead, seconded by Councilperson Stern and approved by the Town Board to adopt RES-20100721.17 that would abandon the dirt segment of Mayville Road releasing its property to the owner of its parcel adjacency at the written recommendation of Highway Superintendent Frost. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO.

(Refer to attachment accompanying these minutes)

**Agenda Item #5 HEALTH INSURANCE PLAN**

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to renew the BlueCross BlueShield health insurance policy. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO.

**Agenda Item #6 POLICE SERVICES**

Town Justice Dan Hale gave an in-depth overview of a joint village/town police department. He outlined the benefits, cost, and bases of such a program. A committee comprised of Bob Fischer, Charlene Van Dusen, Gary Woodhead and Judge Hale was formed to work with the village board to pursue this venture.

**Agenda Item #7 RESOLUTION 20107021.18**

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to adopt RES-20100721.18 that would enable the town supervisor to enter into an intermunicipality agreement with the Portville Central School District that would allow the school district to hire a constable, at its expense and as its employee, with complete police powers while on the property of the school district with indemnification by the school district of the town. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO.

(Refer to attachment accompanying these minutes)

**Expense Review**

The Town Board reviewed and discussed the filed monthly expense vouchers. A motion was made by Councilperson Stern, seconded by Councilperson Batt and approved by the Town Board to approve for payment the June 2010 monthly bills. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (Absent) MOTION CARRIED 5-YES 0-NO

(Refer to attachment accompanying these minutes)

**Adjournment**

Being there was no further business a motion to adjourn at 9:20PM was made by Councilperson Batt, seconded by Councilperson Van Dusen and approved by the Town Board. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (Absent) MOTION CARRIED 5-YES 0-NO

Respectfully submitted and signed,

James Parks  
Town Clerk  
Town of Portville, New York



# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20100721.15: Local Law No. 1 2010 Appointed Position Residency Requirements**

**WHEREAS,** Local Law No. 1 2010 was introduced entitled “Appointed Position Residency Requirements”; and,

**WHEREAS,** A public hearing was held in relation to the aforementioned and titled local law at 6:30PM at the Westons Mills Community Center on April 21, 2010 at 1310 Olean Portville Road, Westons Mills, NY 14788; and,

**WHEREAS,** Notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and,

**WHEREAS,** said local law has been on the desks and mailed to the residential addresses of the members of the Town Board of the Town of Portville for at least seven (7) days, exclusive of Sunday.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that the following local law is hereby enacted:



# TOWN OF PORTVILLE, NEW YORK

## TOWN OF PORTVILLE, NEW YORK LOCAL LAW NO. 1 2010 APPOINTED POSITION RESIDENCY REQUIREMENTS

### **I. Exceptions of Local Law No. 1 2010**

Local Law No. 1 2010 shall not apply to any appointed positions of the town planning board, town zoning board of appeals, and town board of assessment review.

### **II. Application of Local Law No. 1 2010**

As provided within New York Municipal Law, Article 2, Section 10, this section requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he/she shall be chosen or within which his/her official functions are required to be exercised, shall not prevent a person from holding any appointed position of the Town of Portville, for which the Town of Portville legislative body has directed the oath of office shall be required and a specified term of office shall exist, provided that such person resides within Cattaraugus or Allegany counties within the State of New York, is qualified to be bonded and qualifies to be an elector in the county in which such person resides.

### **III. Prior Legislation**

Local Law No. 1 2010 shall supercede Local Law No. 1 2006.

### **IV. Effective Date**

This Local Law shall take effect immediately upon this filing thereof in the Office of the Secretary of State of the State of New York.



# TOWN OF PORTVILLE, NEW YORK

The foregoing resolution (RES-20100721.15) was voted upon with the town supervisor and all councilpersons voting as follows:

Town Supervisor Keeley	Yes
Councilperson Batt	Yes
Councilperson Stern	Yes
Councilperson Van Dusen	Yes
Councilperson Woodhead	Yes

DATED: July 21, 2010

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James Parks, Town Clerk  
Town of Portville  
1102 Olean Portville Road  
PO Box 630  
Portville, NY 14770  
(716) 933-6658 Office  
(716) 933-7877 Fax  
[WWW.PORTVILLE-NY.ORG](http://WWW.PORTVILLE-NY.ORG)



# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20100721.16: Portville Historical & Preservation Society Tax Exempt Status**

- WHEREAS,** The Portville Historical and Preservation Society is a tax exempt, not-for-profit corporation under the United States Internal Revenue Service 501(c)(3) code; and,
- WHEREAS,** The Portville Historical and Preservation Society is an organization whose mission is to educate the community and its visitors about the history and culture of the Portville area; and,
- WHEREAS,** The Portville Historical and Preservation Society is located in the Town of Portville; and,
- WHEREAS,** The Portville Historical and Preservation Society has completed the RP-420-a-Org form and has met the requisite standards for tax exemption status; and,
- WHEREAS,** The Portville Historical and Preservation Society does already have two tax exempt properties (104.002-1-21 and 104.002-1-24) having qualified under the requisite standards of RP-420-aOrg and RP-420-a/b-Use; and,
- WHEREAS,** The Portville Historical and Preservation Society has completed RP-420-a/b-Use and met the requisite standards for tax exemption status for two additional properties (104.002-1-20 and 104.002-1-25).

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

Effective February 28, 2011, Property 104.002-1-20, while owned by the Portville Historical and Preservation Society, shall become and remain tax exempt from property tax so long as the use of said property continues to qualify for tax exemption under New York State and Federal law and regulation; and,

Effective February 28, 2011, Property 104.002-1-25, while owned by the Portville Historical and Preservation Society, shall become and remain tax exempt from property tax so long as the use of said property continues to qualify for tax exemption under New York State and Federal law and regulation; and,

Continuing in effect since February 28, 2001, Property 104.002-1-21, while owned by the Portville Historical and Preservation Society, shall become and remain tax exempt from property tax so long as the use of said property continues to qualify for tax exemption under New York State and Federal law and regulation; and,

Continuing in effect since February 28, 2001, Property 104.002-1-24, while owned by the Portville Historical and Preservation Society, shall become and remain tax exempt from property tax so long as the use of said property continues to qualify for tax exemption under New York State and Federal law and regulation.



# TOWN OF PORTVILLE, NEW YORK

The foregoing resolution (RES-20100721.16) was voted upon with the town supervisor and all councilpersons voting as follows:

Town Supervisor Keeley	Abstain
Councilperson Batt	Abstain
Councilperson Stern	Yes
Councilperson Van Dusen	Yes
Councilperson Woodhead	Yes

DATED: July 21, 2010

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# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20100721.17: Dirt Segment of Mayville Road Abandonment**

**WHEREAS,** The dirt segment of Mayville Road is a Town of Portville public road, hereinafter referred to as “Mayville Dirt Road”, running from the asphalt paved segment of Mayville Road to State Route 305; and,

**WHEREAS,** Mayville Dirt Road has been certified in writing by the Town Highway Superintendent to not have been used as a public road for more than 6 years and that the Town Highway Superintendent recommends its abandonment; and,

**WHEREAS,** The property owner of the property through which Mayville Dirt Road traverses has communicated in writing his/her request that said road be abandonment and the land on which said road resides be a part of said property parcel; and,

**WHEREAS,** The right of ways that may exist with respect to existing utilities under Mayville Dirt Road shall continue to exist.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

Effective July 21, 2010, the Dirt Segment of Mayville Road in the Town of Portville shall be abandoned and the property on which it traversed shall become property of the parcel through which it has traversed and shall no longer be a public road of the Town of Portville pursuant to any subsequent approvals that may be required by the County of Cattaraugus or the State of New York.



# TOWN OF PORTVILLE, NEW YORK

The foregoing resolution (RES-20100721.17) was voted upon with the town supervisor and all councilpersons voting as follows:

Town Supervisor Keeley	Yes
Councilperson Batt	Yes
Councilperson Stern	Yes
Councilperson Van Dusen	Yes
Councilperson Woodhead	Yes

DATED: July 21, 2010

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# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20100721.18: Constable PCSD Agreement Signing Authorization**

**WHEREAS,** The Portville Central School District desires to have a constable with complete police powers for use exclusively on its property at 500 Elm Street, Portville, NY 14770; and,

**WHEREAS,** The Portville Central School District will select, employ, pay, and direct said constable in the execution of his/her duties and shall be responsibility for all costs of said constable including any legal or ongoing costs of the Town to enable such constable position to come into existence or continue to exist; and,

**WHEREAS,** The Portville Central School District shall indemnify the Town of Portville of all risk, liability and responsibility for any actions of or claims of, from or to said constable; and,

**WHEREAS,** The period of any such agreement to be formed between Portville Central School District and the Town of Portville shall not exceed five years.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

Effective July 21, 2010, the Town Supervisor shall be empowered to negotiate and sign such agreement.



# TOWN OF PORTVILLE, NEW YORK

The foregoing resolution (RES-20100721.18) was voted upon with the town supervisor and all councilpersons voting as follows:

Town Supervisor Keeley	Yes
Councilperson Batt	Yes
Councilperson Stern	Yes
Councilperson Van Dusen	Yes
Councilperson Woodhead	Yes

DATED: July 21, 2010

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**TOWN OF PORTVILLE**  
**Bills for Approval**  
As of July 21, 2010

	<u>Date</u>	<u>Split</u>	<u>Credit</u>	<u>Amount</u>
<b>ADMAR Supply Company</b>				
	07/21/2010	5110.4 General Repairs, Contr.	1,415.00	1,415.00
Total ADMAR Supply Company			<u>1,415.00</u>	<u>1,415.00</u>
<b>AT&amp;T Mobility</b>				
	07/21/2010	5132.4 Utilities	43.42	43.42
Total AT&T Mobility			<u>43.42</u>	<u>43.42</u>
<b>BlueCross BlueShield of WNY</b>				
	07/21/2010	-SPLIT-	3,358.26	3,358.26
Total BlueCross BlueShield of WNY			<u>3,358.26</u>	<u>3,358.26</u>
<b>Bob Fischer</b>				
	07/21/2010	1710.4 Misc Expenses	51.04	51.04
Total Bob Fischer			<u>51.04</u>	<u>51.04</u>
<b>Buffalo Crushed Stone</b>				
	07/21/2010	5110.4 General Repairs, Contr.	1,240.16	1,240.16
	07/21/2010	5110.4 General Repairs, Contr.	6,082.01	6,082.01
Total Buffalo Crushed Stone			<u>7,322.17</u>	<u>7,322.17</u>
<b>Cattaraugus Co Department of Public Works</b>				
	07/21/2010	5130.4 Maintenance Expenses	51.30	51.30
Total Cattaraugus Co Department of Public Works			<u>51.30</u>	<u>51.30</u>
<b>Clarion Univ. Hotel</b>				
	07/21/2010	5010.4 Training	419.85	419.85
Total Clarion Univ. Hotel			<u>419.85</u>	<u>419.85</u>
<b>County Treasurer for Dog Licenses</b>				
	07/21/2010	3510.4 Dog Control Contractual	29.37	29.37
Total County Treasurer for Dog Licenses			<u>29.37</u>	<u>29.37</u>
<b>Cynthia Nupp</b>				
	07/21/2010	1710.4 Misc Expenses	342.78	342.78
Total Cynthia Nupp			<u>342.78</u>	<u>342.78</u>
<b>Edward J. Bysiek, CPA</b>				
	07/21/2010	1315.4 Personnel, Contractual	620.00	620.00
Total Edward J. Bysiek, CPA			<u>620.00</u>	<u>620.00</u>
<b>Frost, Stuart</b>				
	07/21/2010	1920.4 Membership Fees	90.00	90.00
Total Frost, Stuart			<u>90.00</u>	<u>90.00</u>

**TOWN OF PORTVILLE**  
**Bills for Approval**  
As of July 21, 2010

	<u>Date</u>	<u>Split</u>	<u>Credit</u>	<u>Amount</u>
<b>Haberly Electric</b>				
	07/21/2010	1620.4 Bldg, Contractual	3,650.80	3,650.80
Total Haberly Electric			<u>3,650.80</u>	<u>3,650.80</u>
<b>IA Construction Corporation</b>				
	07/21/2010	5110.4 General Repairs, Contr.	859.05	859.05
Total IA Construction Corporation			<u>859.05</u>	<u>859.05</u>
<b>Maria Harper</b>				
	07/21/2010	1989.4 Cleaning Custodian	150.00	150.00
Total Maria Harper			<u>150.00</u>	<u>150.00</u>
<b>Maria Harper (Reimb)</b>				
	07/21/2010	1620.4 Bldg, Contractual	6.13	6.13
Total Maria Harper (Reimb)			<u>6.13</u>	<u>6.13</u>
<b>National Fuel</b>				
	07/21/2010	5132.4 Utilities	54.77	54.77
Total National Fuel			<u>54.77</u>	<u>54.77</u>
<b>National Grid</b>				
	07/21/2010	-SPLIT-	541.95	541.95
	07/21/2010	5132.4 Utilities	353.84	353.84
Total National Grid			<u>895.79</u>	<u>895.79</u>
<b>NYS Comptroller's Office</b>				
	07/21/2010	1410.4 Town Clerk, Contractual	281.25	281.25
Total NYS Comptroller's Office			<u>281.25</u>	<u>281.25</u>
<b>NYS Office of the State Comptroller</b>				
	07/21/2010	1110.4 Justice Court Fund	2,455.00	2,455.00
Total NYS Office of the State Comptroller			<u>2,455.00</u>	<u>2,455.00</u>
<b>Office Max</b>				
	07/21/2010	1620.4 Bldg, Contractual	38.63	38.63
Total Office Max			<u>38.63</u>	<u>38.63</u>
<b>Olean Standard Equipment Co Inc</b>				
	07/21/2010	1620.4 Rental, Maint & Security	324.00	324.00
Total Olean Standard Equipment Co Inc			<u>324.00</u>	<u>324.00</u>
<b>Petty Cash</b>				
	07/21/2010	-SPLIT-	98.73	98.73

**TOWN OF PORTVILLE**  
**Bills for Approval**  
As of July 21, 2010

	<u>Date</u>	<u>Split</u>	<u>Credit</u>	<u>Amount</u>
Total Petty Cash			98.73	98.73
<b>Portville Truck &amp; Auto Repair Inc</b>				
	07/21/2010	5130.4 Maintenance Expenses	511.29	511.29
Total Portville Truck & Auto Repair Inc			511.29	511.29
<b>Rinker Oil Corp</b>				
	07/21/2010	5130.4 Maintenance Expenses	2,076.89	2,076.89
Total Rinker Oil Corp			2,076.89	2,076.89
<b>Steffanie Bell</b>				
	07/21/2010	1710.4 Misc Expenses	212.28	212.28
Total Steffanie Bell			212.28	212.28
<b>The Times Herald</b>				
	07/21/2010	2980.4 Training, Safety & Comm	9.38	9.38
Total The Times Herald			9.38	9.38
<b>Time Warner Cable</b>				
	02/09/2010	CHECKING -GENERAL/HIGHWAY		-116.95
	07/21/2010	-SPLIT-	116.95	116.95
Total Time Warner Cable			116.95	0.00
<b>United Refining Company of Pennsylvania</b>				
	07/21/2010	5130.4 Maintenance Expenses	479.53	479.53
Total United Refining Company of Pennsylvania			479.53	479.53
<b>Verizon</b>				
	07/21/2010	1620.4 Bldg, Contractual	10.30	10.30
	07/21/2010	-SPLIT-	197.81	197.81
Total Verizon			208.11	208.11
<b>Worth W Smith Co Surplus</b>				
	07/21/2010	5130.4 Maintenance Expenses	21.41	21.41
Total Worth W Smith Co Surplus			21.41	21.41
<b>TOTAL</b>			<b><u>26,193.18</u></b>	<b><u>26,076.23</u></b>