



DATE: January 6, 2010  
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  
Charlene Van Dusen, Councilperson  
Gary Woodhead, 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 Councilperson Stern by asking attendees to stand and join him in the "Pledge of Allegiance".

Councilperson Stern informed those present that the purpose of tonight's meeting was to swear in the newly elected officials, 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 Supervisor or 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 Town Justice Hale of all appointees.

### **Elective Office Oaths**

Councilperson Stern administered the oath of office to Justice Dan Hale for a 4-year term commencing January 1, 2010 and concluding December 31, 2013. Subsequently, Justice Hale administered the oath of office to Supervisor Terry Keeley for a 2-year term commencing January 1, 2010 and concluding December 31, 2011. Justice Hale then administered the oath of office to Councilperson Terri Batt, Councilperson Charlene Van Dusen and Highway Superintendent Stuart Frost, all of whom have terms commencing on January 1, 2010 and concluding December 31, 2013.

### **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.

### **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, 2010. Supervisor Keeley recommended that the 2010 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 and charged to the A Fund. 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.



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Supervisor Keeley recommended that the 2010 annual compensation of Town Supervisor remain at \$9,434 and that the annual compensation be divided into four equal installments paid at the end of each quarter and charged to the A Fund. 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 2010 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 and charged to the A Fund. 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 2010 annual compensation of Town Justice Danny Hale remain at \$9,000 and that the annual compensation be divided into 12 equal installments of \$750 and paid at the end of each month and charged to the A Fund. 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 2010 annual compensation of Town Justice Christopher Piaggi remain at \$1,200 and that the annual compensation be divided into 12 equal installments and paid at the end of each month and charged to the A Fund. 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 2010 annual compensation of Highway Superintendent Stuart Frost remain at \$43,208, that the annual compensation be divided into 24 equal installments of \$1,800.34 paid on the 1<sup>st</sup> and 15<sup>th</sup> of each month and charged to the A Fund, and that position is full-time and therefore that the town-selected health insurance policy be provided to this position under the town procedure and policy governing eligibility, defining payment by the town or deductions from the employee and charged to the highway department DB Fund budget. 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 Woodhead, that James Parks be appointed Town Clerk and Tax Collector for a 2 year term expiring on December 31, 2011, that the position be paid as an hourly employee at \$13.52 per hour and scheduled for 30 hours per week with hourly compensation paid weekly and charged to the A Fund, that the nominee be sworn into this position, and that the appointee shall continue to serve during that year at the pleasure of the Town Board. 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 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, 2010, 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:

1. That Daniel Martonis as Acting Assessor receive \$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, charged to the A Fund and that his conditions of employment be those specified in his employment contract dated January 1, 2010;
2. That, with the advice and consent of and reporting to the Town Justices, Alice Moser as Clerk of the Court, will receive an hourly compensation of \$11.50 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 and charged to the B Fund;



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3. That, with the advice and consent of and reporting to the Town Clerk & Tax Collector, Alice Moser as First Deputy Town Clerk & Deputy Tax Collector will receive an hourly compensation of \$11.50 for hours worked that have been requested by the Town Clerk and approved by the Town Supervisor, and that those pre-authorized and worked hours will be paid weekly and charged to the A Fund;
4. That Steffanie Bell as Acting Deputy Assessor receive \$15.00 per hour and be scheduled for 4 hours per week until NYS ORPS certification is received at which point the compensation shall be \$18.00 per hour and, should the Town of Portville contract with another municipality to perform their assessing services and assign that municipality to her that her compensation shall be \$20.00 per hour and her weekly hours adjusted to properly support contracted municipality and that her conditions of employment be those specified in her employment contract dated January 1, 2010 and that any hours worked will be paid weekly and charged to the A Fund;
5. That Steffanie Bell as Secretary to the Planning Board receive \$10.00 per hour and be scheduled for 8 hours per month, be paid weekly and charged to the B Fund;
6. 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 and charged to the B Fund;
7. That Cynthia Nupp as Dog Control Officer receive a monthly compensation of \$356 to be paid at the end of each month and charged to the A Fund;
8. That Robert Nupp as Deputy Dog Control Officer receive no compensation;
9. That the position of Town Historian receive a one-time compensation of \$286 payable on December 31, 2010 and be charged to the A Fund; and,
10. 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, 2010 and charged to the DB Fund.

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

Supervisor Keeley recommended, in accordance with Municipal Town Law 24, that John Hart be appointed as Town Attorney for a 2-year term expiring on December 31, 2011, that the Town Attorney receive an hourly compensation of \$170 per hour as a contractor, that use of any Town Attorney time be pre-authorized by the Supervisor or Deputy Supervisor, that the Town Attorney submit to the Town Clerk an invoice monthly if any hours of work have been performed, and that any invoice be subsequently reviewed for consideration of payment by the Town Board at its next scheduled monthly meeting and that the appointee serve at the pleasure of the Town Board and be charged to the A Fund. Councilperson Woodhead made the motion to adopt the recommendation and 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, seconded by Councilperson Woodhead, that Edward Bysiek, an accountant contractor, be appointed as Bookkeeper for a 1 year term expiring on December 31, 2010, be scheduled for no more than 40 hours unless pre-authorized by the Supervisor or Deputy Supervisor, that hours of service performed be billable at \$40 per hour, that any billable hours be invoiced monthly and subject to consideration of payment by the Town Board at its next scheduled monthly meeting and that the appointee serve at the pleasure of the Town Board and be charged to the A Fund. 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 to be charged to the DB Fund be as follows:



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1. Timothy Griffin, Commercial Driver Class B, receive an hourly compensation rate of \$16.75 beginning January 1, 2010;
2. Brian Freaney, Commercial Driver Class B, receive an hourly compensation rate of \$16.75 beginning January 1, 2010;
3. Ryan Hatch, Commercial Driver Class B, receive an hourly compensation rate of \$16.75 beginning January 1, 2010; and,
4. Terry Walden, Commercial Driver Class B, receive an hourly compensation rate of \$16.75 beginning January 1, 2010.

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. Robert Fischer as Chair of the Planning Board with a 1-year term expiring December 31, 2010; and,
2. Kirk Austin as a Member of the Board of Assessment Review for a 5-year term expiring September 30, 2014.

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

### **Planning Board Structural Change**

Supervisor Keeley recommended, Councilperson Van Dusen made a motion seconded by Councilperson Batt, to reduce the size of the Planning Board from 7 members to 5 members effective January 1, 2010. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **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 Wednesday of each month except January when the meeting would be held on the first Thursday; and,
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).



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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 3 members.
  - 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 Justice, Town Clerk, Assessor, Building Inspector, Code



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Enforcement Officer, Flood Control Officer, Planning Board Chair, and Dog Control Officer) 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 PDF format. 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 editing or collaborative planning use within the Town that are electronically produced shall only use the output format of Microsoft Word (.doc), Excel (.xls) or PowerPoint (.ppt) and FilemakerPro 8. All static or non-editable documents must be produced in PDF format.
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 or video any public meeting. The public shall have the right to do this recording from their specific location in the meeting but may not disrupt the board or 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.



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### **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**

Supervisor Keeley recommended and Councilperson Woodhead made the motion that the Town of Portville reimburse \$0.58 per mile to employees, elected, and appointed 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 employees, 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**

In accordance with Municipal Town Law 142 section 1a, Supervisor Keeley recommended and Councilperson Van Dusen made the motion, that Town of Portville Resolution RES-20100106.1 Highway Superintendent Purchasing Authority (attached) be adopted wherein:

The Town of Portville highway superintendent shall have no direct purchasing authority until such date as this Resolution shall be superceded by a Town Board Resolution addressing the same subject and authorities; and,

The Town of Portville highway superintendent shall continue to be required to request and obtain from the town supervisor, or the town deputy supervisor in the absence of the town supervisor, an authorized purchase order for any and all purchases and services; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall have the authority to initiate a purchase order for the highway department in any amount less than \$10,000 without town board approval; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall have the authority to initiate a purchase order for the highway department in excess of \$10,000 with unanimous approval by email by each town board member; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall be required to present to the town board in a public meeting any request made by the highway superintendent greater than \$10,000 to which unanimous town board member approval by email was not obtained and to which a request by the highway superintendent for quorum approval is thus made.

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 Contractually Committed Funds Assignment**

Supervisor Keeley recommended and Deputy Supervisor Stern made the motion that the fully countersigned contract agreement between the Highway Superintendent and the Town Board (see attached) wherein any and all 2010 CHIPS NYS Aid be designated and used for the reimbursement of Town funds used to reduce Bond Anticipation Note debt for the acquisition of a 10-wheel 20-ton plow truck be adopted as the Highway Superintendent's contractually committed CHIPS funds assignment in 2010.

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.



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### **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, 2010 a complete written inventory of all machinery, tools, implements and equipment and the condition of each 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.

### **Appointed and Elected Official Time Reporting**

Supervisor Keeley recommended and Councilperson Woodhead made the motion that Resolution RES-20100106.2 be adopted wherein the Time Card (TOP-TIMECARD-V20100101) and Work Product Report (TOP-WORKPRODUCT-V20100101) for hourly employees and hourly appointees and the EA Work Product Report (TOP-WORKPRODUCT-EA-V20100101) for salaried appointees and elected officials be used for the recording of time worked for the purposes of recordkeeping and applicable reporting for participation in the NYS Retirement System as stipulated in 2 NYCRR 315.4.

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.

The Town Board convened to executive session at 7:00PM and reconvened to public meeting at 8:15PM.

A motion was made by Councilperson Stern, seconded by Councilperson Batt and approved by the Town Board to authorize payment for courtroom construction to RP Construction in the amount of \$5,670.00. VOTE: Keeley (YES), Batt (YES), Stern (YES), Van Dusen (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Adjournment**

Being there was no further business a motion to adjourn at 8:20PM was made by Councilperson Van Dusen, seconded by Councilperson Batt and approved by the Town Board. 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 6, 2010

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# TIMECARD

EMPLOYEE NAME:

FUND:

	DATE MM/DD/YY	START TIME	STOP TIME	START TIME	STOP TIME	START TIME	STOP TIME	START TIME	STOP TIME	TOTAL HH:MM
MONDAY										
TUESDAY										
WEDNESDAY										
THURSDAY										
FRIDAY										
SATURDAY										
SUNDAY										
EMPLOYEE SIGNATURE:					IMMEDIATE SUPERVISOR SIGNATURE:				TOTAL:	

**Time card Instructions:** At the beginning of the week, fill in "EMPLOYEE NAME" AND "FUND". Town Clerk is "A" FUND. Deputy Assessor is "A" FUND. Court Clerk is "B" FUND. Highway Department hourly personnel is "DB" Fund. Each day show date, various times you started and stopped work. Remember lunch break is a minimum of 30 minutes every four hours during which time you are not working. Add up your hours and minutes each day and enter in "TOTAL HH:MM". At the end of the week, add all daily "TIME HH:MM" and enter in "TOTAL". Employee and Supervisor must sign timecard to confirm its accuracy. Timecards must be turned in to Bookkeeper no later than 8AM Monday morning. Unsigned timecards will not be paid.

**Work Product Instructions:** Use Work Product Form on opposite side. Each day fill in date, hours and minutes worked on a specific work product, and then briefly describe the work product. An example might be "clearing snow" or "completing court paperwork".







This agreement between Daniel T. Martonis, hereinafter referred to as “Acting Assessor”, and the Town of Portville, hereinafter referred to as “Town”, shall define the terms and conditions of initiation and continuation of employment of Acting Assessor by Town.

Town agrees that:

1. Acting Assessor shall be employed by Town for the period beginning January 1, 2010 and ending December 31, 2010.
2. Acting Assessor shall be a salaried employee earning Two Thousand Five Hundred Dollars (\$2,500) a month which shall be divided into two equal payments of \$1,250 payable on the 1<sup>st</sup> and 15<sup>th</sup> of each month.
3. Acting Assessor shall be reimbursed mileage at \$0.58 per mile when traveling between Little Valley, NY and Portville, NY, and when performing Town business on behalf of the Town.
4. Acting Assessor shall be provided a workspace and computing capability at the Town’s Municipal Building.
5. Acting Assessor may be employed by other employers during the period of Acting Assessor’s employment with the Town.

Acting Assessor agrees that:

1. All necessary processes and forms, provided by the Town Bookkeeper, shall be completed by Acting Assessor to enable employment compensation.
2. The oath of office shall be taken and signed before the Town Clerk of the Town of Portville on or before January 30, 2010.
3. Acting Assessor shall ensure that all necessary actions are taken to ensure that exemptions are up to date, land calculation totals where the Land Total exceeds the Land Rate Table Total are corrected to have the Land Total equal the Land Rate Table Total, property owners disputes regarding Buildings are corrected to a level where the Town and Acting Assessor would agree that the resolution reflected fairness and equity when compared to all other like properties and when compared to true Town real estate market value, the Acting Assessor produced the Cost Valuation Reports or other ORPS reports for distribution to any or all properties when so specified by the town board or ORPS law, the Acting Assessor met each mandated milestone of the annual Assessment Roll production, evolution and release, the Acting Assessor would provide the needed information to satisfy the inquiries of the Board of Assessment Review, and the Acting Assessor would work in collaboration with the Town Board and the Town Supervisor to adopt and implement a property assessment model which can and would be applied to all disputed assessments if challenged before the Board of Assessment Review Hearings and before the May 1<sup>st</sup> restricted entry date whereafter only the Board of Assessment Review may authorize changes.
4. Acting Assessor shall endeavor to clean up as many, if not all, building permits that have received certificates of occupancy or completion as possible for inclusion in the annual Assessment Roll.
5. Acting Assessor shall at all times perform duties and responsibilities, interacting with the public, interact with other government agencies, and interact with Town employees, appointees, and officers in a manner which meets all published Town ethics standards and Town protocol standards as



articulated now and in the future on its web site [www.portville-ny.com](http://www.portville-ny.com) and from its annual organizational meeting minutes.

6. Acting Assessor will spend no less than 4 hours per week at the Town Municipal Building during which the public will have access for consultation and assistance and that the times of access and consultation availability shall usually be between the hours of 4:00PM and 8:00PM on day a week as published on the Town web site [www.portville-ny.com](http://www.portville-ny.com).
7. Acting Assessor will be available by phone or video teleconference during at least an additional 4 hours period each week to the public for consultation and assistance.
8. Acting Assessor agrees that, while this position is scheduled for 20 hours per week, Acting Assessor shall perform all duties and responsibilities of Assessor as defined by New York State Real Property Tax Law and as defined within this Agreement to satisfy the completion of the annual Assessment Roll in a manner which results in the Town Board's perception of satisfactory performance by the Acting Assessor.
9. Acting Assessor agrees to manage all other human resources as specified by the Town Board for the purpose of satisfying Town or contract agreement towns to which the Town of Portville is providing assessment services.
10. Acting Assessor shall be bound, not only by these terms and conditions, but also those conditions defined for an employee of a municipality or agency within New York State.
11. Acting Assessor shall be employed by the Town and appointed as the Acting Assessor for the Town at the pleasure of the Town Board and that the Town Board may for any reason terminate employment of Acting Assessor.
12. Acting Assessor agrees that this Agreement is a public document and may be published in any manner that the Town may wish to use to share with the public and any other government agency.

This Agreement constitutes all of the terms and conditions of employment of the Acting Assessor and shall be binding between both the Acting Assessor and the Town. If any given part of this Agreement is found to be unlawful by the Courts, then both Parties agree that all remaining parts of this Agreement shall continue to be binding on both Parties.

Acting Assessor

Town of Portville

SIGNATURE ON FILE

SIGNATURE ON FILE

\_\_\_\_\_  
Daniel T. Martonis

\_\_\_\_\_  
H.W. Keeley, Supervisor

January 1, 2010

January 1, 2010

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# TOWN OF PORTVILLE, NEW YORK

This agreement between Steffanie Bell, hereinafter referred to as “Acting Deputy Assessor”, and the Town of Portville, hereinafter referred to as “Town”, shall define the terms and conditions of initiation and continuation of employment of Acting Deputy Assessor by Town.

Town agrees that:

1. Acting Deputy Assessor shall be employed by Town for the period beginning January 1, 2010 and ending December 31, 2010.
2. Acting Deputy Assessor shall be an hourly employee earning Fifteen Dollars (\$15.00) per hour until certified as qualifying under New York State OPRS Law to be a sole assessor whereupon the Acting Deputy Assessor shall be an hourly employee earning Eighteen Dollars (\$18.00) per hour. If and when Town executes an intermunicipality agreement with another municipal corporation to have Town perform its assessing services and Acting Deputy Assessor is assigned as that municipal corporation’s acting sole assessor, then Acting Deputy Assessor shall be an hourly employee earning Twenty Dollars (\$20.00) per hour.
3. Acting Deputy Assessor shall be reimbursed mileage at \$0.58 per mile when performing Town business on behalf of the Town.
4. Acting Deputy Assessor shall be provided a workspace and computing capability at the Town’s Municipal Building.
5. Acting Deputy Assessor may be employed by other employers during the period of Acting Deputy Assessor’s employment with the Town.

Acting Deputy Assessor agrees that:

1. All necessary processes and forms, provided by the Town Bookkeeper, shall be completed by Acting Deputy Assessor to enable employment compensation.
2. The oath of office shall be taken and signed before the Town Clerk of the Town of Portville on or before January 30, 2010.
3. As defined by NYS ORPS law and regulation, all necessary assessor training courses will be taken.
4. Prior to performing assessment duties, authorization of hours will be in writing or by email from the Portville Town Supervisor.
5. Operational direction of assessment duties will be administered by the Acting Assessor.
6. At the direction of the Acting Assessor and when hours are pre-authorized by the Portville Town Supervisor, Acting Deputy Assessor shall ensure that all necessary actions are taken to ensure that exemptions are up to date, land calculation totals where the Land Total exceeds the Land Rate Table Total are corrected to have the Land Total equal the Land Rate Table Total, property owners disputes regarding Buildings are corrected to a level where the Town and Acting Assessor would agree that the resolution reflected fairness and equity when compared to all other like properties and when compared to true Town real estate market value, the Acting Assessor made available to all property owners the Cost Valuation Reports or other town board requested or ORPS law mandated reports of or for any or all properties for the given assessment year, the Acting Assessor met each mandated milestone of the annual Assessment Roll production, evolution and release, the Acting Assessor would provide the needed information to satisfy the inquiries of the Board of Assessment Review, and the Acting Deputy Assessor would work in collaboration with the Acting Assessor, the Town Board and the Town Supervisor to adopt and implement a property assessment model that in the view of the Town Board was fair, equitable and accurate as well as minimized gaps between market and assessed valuation.



7. Given pre-authorization of hours and under the direction of the Acting Assessor, Acting Deputy Assessor shall endeavor to clean up and enter as many, if not all, building permits that have received certificates of occupancy or completion as possible for inclusion in the Assessment Roll.
8. Acting Deputy Assessor shall at all times perform duties and responsibilities, interacting with the public, interact with other government agencies, and interact with Town employees, appointees, and officers in a manner which meets all published Town ethics standards and Town protocol standards as articulated now and in the future on its web site [www.portville-ny.com](http://www.portville-ny.com) and any subsequent directives.
9. Acting Deputy Assessor shall perform all duties and responsibilities of Assessor as defined by New York State Real Property Tax Law and as defined within this Agreement to satisfy the completion of the annual Assessment Roll in a manner that results in the Town Board's perception of satisfactory performance by the Acting Assessor.
10. Acting Deputy Assessor may be assigned as a sole Assessor to any one or more towns under contract agreement with the Town of Portville to which the Acting Deputy Assessor does agree to follow the guidance of the Acting Assessor of the Town of Portville and also to which the Acting Deputy Assessor shall receive an hourly compensation as previously defined in this Agreement but to which the hours of service provided to contract agreement towns shall be provided.
11. Acting Deputy Assessor shall be bound, not only by these terms and conditions, but also those conditions defined for an employee of a municipality or agency within New York State.
12. Acting Deputy Assessor shall be employed by the Town and appointed as the Acting Deputy Assessor for the Town at the pleasure of the Town Board and that the Town Board may for any reason terminate employment of Acting Deputy Assessor.
13. Acting Deputy Assessor agrees that this Agreement is a public document and may be published in any manner that the Town may wish to use to share with the public and any other government agency.

This Agreement constitutes all of the terms and conditions of employment of the Acting Deputy Assessor and shall be binding between both the Acting Assessor and the Town. If any given part of this Agreement is found to be unlawful by the Courts, then both Parties agree that all remaining parts of this Agreement shall continue to be binding on both Parties.

Acting Deputy Assessor

Town of Portville

SIGNATURE ON FILE

SIGNATURE ON FILE

\_\_\_\_\_  
Steffanie Bell

\_\_\_\_\_  
H.W. Keeley, Supervisor

January 1, 2010

January 1, 2010

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**Resolution RES-20100106.1: HIGHWAY SUPERINTENDENT PURCHASING AUTHORITY**

**Whereas,** The Town of Portville town board has the stewardship responsibility to ensure that the annual operating budget of each fund is not exceeded; and,

The Town of Portville highway superintendent is specifically responsible for operating successfully within the budgeted funds less any outstanding debt; and,

The Town of Portville highway superintendent has during prior, multiple years exceeded the collective operating budget of the DA and DB funds requiring loans from other funds that depleted the cash reserves of the town.

**Now therefore,** Be it enacted by the Town Board of the Town of Portville that:

The Town of Portville highway superintendent shall have no direct purchasing authority until such date as this Resolution shall be superceded by a Town Board Resolution addressing the same subject and authorities; and,

The Town of Portville highway superintendent shall continue to be required to request and obtain from the town supervisor, or the town deputy supervisor in the absence of the town supervisor, an authorized purchase order for any and all purchases and services; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall have the authority to initiate a purchase order for the highway department in any amount less than \$10,000 without town board approval; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall have the authority to initiate a purchase order for the highway department in excess of \$10,000 with unanimous approval by email by each town board member; and,

The town supervisor, or the town deputy supervisor in the absence of the town supervisor, shall be required to present to the town board in a public meeting any request made by the highway superintendent greater than \$10,000 to which unanimous town board member approval by email was not obtained and to which a request by the highway superintendent for quorum approval is thus made.

Approved this 6<sup>th</sup> day of January, 2010, in the Town of Portville, County of Cattaraugus, State of New York,

James Parks  
Town Clerk  
Town of Portville  
PO Box 630  
1102 Olean-Portville Road  
Portville, NY 14770



**Resolution RES-20100106.2: APPOINTED AND ELECTED OFFICIAL TIME REPORTING**

**Whereas,** The Town of Portville shall adhere to the provisions of 2 NYCRR 315.4 wherein appointed and elected officials intending to be a member of the New York State Retirement System; and,

The Town of Portville endeavors to inform its appointed and elected officials of the provisions and requirements of 2 NYCRR 315.4; and,

The Town of Portville desires to put forth an operating practice to enable appointed and elected official reporting for those individuals wishing to continue to be a member of the New York State Retirement System.

**Now therefore,** Be it enacted by the Town Board of the Town of Portville that:

The Work Product Report (TOP-WORKPRODUCT-V20100101) that is the second page of the hourly time card report (TOP-TIMECARD-V20100101) shall be used by those hourly appointed officials as a mandatory requirement for compliance to Personnel Policy V20100101 and any of its successor policies and for compliance to 2 NYCRR 315.4 for elective participation in the New York State Retirement System; and,

The AE Work Product Report (TOP-WORKPRODUCT-EA-V20100101) shall be used by those salaried appointed and elected officials commencing on the date of office and concluding not earlier than 3 months from the commencement of the date of office for compliance to 2 NYCRR 315.4 for elective participation in the New York State Retirement System; and,

The frequency with which the Work Product Report or the AE Work Product Report shall be turned into the Town Bookkeeper shall be weekly and shall be subsequently retained by the town clerk as official records retention for ten years; and,

The town board shall review and subsequently submit with the appointed or elected official's signature certifying the accuracy of his/her Work Product Report or AE Work Product Report, said reports to the New York State Comptroller within 180 days of the commencement of appointed or elected office.

Approved this 6<sup>th</sup> day of January, 2010, in the Town of Portville, County of Cattaraugus, State of New York,

James Parks  
Town Clerk  
Town of Portville  
PO Box 630  
1102 Olean-Portville Road  
Portville, NY 14770



**CHIPS FUNDS UTILIZATION AGREEMENT**

The following Agreement is between the Town of Portville Highway Superintendent, hereinafter referred to as "Highway Superintendent" and the Town of Portville Legislative Body, hereinafter referred to as "Town Board", entered into this 29<sup>th</sup> day of October, 2009.

The purpose of this Agreement is to formalize the Highway Superintendent's use of any NYS DOT CHIPS funds, hereinafter referred to as "CHIPS funds", in the calendar years 2010, 2011, 2012, and 2013 as a condition of the Town Board approving the purchase of a new 10-wheel, 20 ton, plow truck, hereinafter referred to as "Truck".

The Highway Superintendent agrees that:

1. The purchase order of Truck shall specify that the configuration shall be NYS DOT CHIPS qualified and cost no more than \$194,000 and shall be received no earlier than April 2, 2010 and no later than September 1, 2010; and,
2. Any and all CHIPS funds allocated to the Town of Portville, hereinafter referred to as "Town", in 2010 shall be used solely and in its entirety for the repayment of cash outlay or incurred debt regarding the purchase of Truck; and,
3. The Truck shall be maintained in a manner that will not void any near- and long-term warranty and that Truck must remain in good and safe service for not less than 10 years as is mandated by the NYS DOT CHIPS program.

The Town Board agrees that:

1. Given the availability of 2009 engine emission qualifying configured Truck, a purchase order shall be issued by October 30, 2009 for Truck not to exceed \$194,000 and to be in compliance with the qualifying requirements to be eligible for CHIPS funds; and,
2. An annual Bond Anticipation Note, hereinafter referred to as "BAN", shall be acquired by Town Supervisor within 15 days of receipt of Truck for an amount equal to the net balance of the Truck invoice less the equivalent 2010 CHIPS funds; and,
3. The Town Board directs the Town Supervisor to use DA Unallocated Funds, DB Unallocated Funds or B Unallocated Funds to pay an amount equal to the equivalent 2010 CHIPS funds; and,
4. The Town Board directs the Town Supervisor in each succeeding year to pay down no less 20% of the 2010 BAN plus that year's annual interest using funds from B Fund, DB Fund, B Unallocated Funds, or DB Unallocated Funds based on the discretion of the Town Supervisor.
5. The Town Board reserves the right to refinance, reallocate funds, or increases taxes to mitigate this debt at its discretion through decisions made in a public meeting.

This agreement shall be binding to the Highway Superintendent and members of the Town Board regardless of incumbents. Town Board approval for the Town Supervisor to sign this agreement has been given by authority of a passed motion of the majority of Town Board members as reflected in the Minutes of the Special Board Meeting held Thursday at 9AM October 29, 2009 at 1102 Olean Portville Road, Portville, NY 14770.

SIGNATURE ON FILE

\_\_\_\_\_  
Stuart Frost  
Highway Superintendent

SIGNATURE ON FILE

\_\_\_\_\_  
H.W. Keeley  
Town Supervisor