



DATE: February 20, 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
Bill Sponsler, Planning Board Chair
Bob Fischer, Zoning Board of Appeals Chair
Dan Martonis, Acting Assessor

Absent; Marlin Jeffers, Councilperson

Thirty 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 January 16, 2008 town board meeting were reviewed and a motion to approve was made by Deputy Supervisor Cornell, seconded by Councilperson Stern 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

Sean Mauer was recognized by the board and address issues concerning his property.

Jim Flanigan, president of the Portville Senior Citizens, addressed the board with concerns as to why their group is not receiving any funding this year as they have in past years. Supervisor Keeley explained that the previous Town Board, through their budget process, made these cuts to the Portville Senior Citizens. They also cut from the budget the funding to the Portville Free Library. Mr. Flanigan was asked to bring any supporting documentation from previous funding to the clerk's office for review by the Board.

Department Reports

The following monthly department reports were given:

Town Clerk
Highway Department
Assessor
Court
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 Department Reports as given. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board for the Highway Department to purchase plastic culvert sluice pipe in the amount of four thousand (\$4,000) dollars. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

A motion was made by Councilperson Stern, seconded by Councilperson Cornell, and approved by the Town Board to send five (5) members of the ZBA to Southern Tier West for training in March 2008 and to be reimbursed upon completion. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

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: Keeley (YES), Cornell (YES), Jeffers (Absent), Stern (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO.

New Business

Agenda Item #1: ASSESSMENT UPDATE

The 2008 Assessment will be tentatively released on March 1, 2008. Between now and April 15, 2008, when the 2008 Assessment is locked down and cannot be edited without Board of Assessment Review approval, property owners and the assessor will need to work together to correct legitimate assessment errors.

Land Calculation Analysis: The Assessor is going to work closely with the Town Supervisor to analysis any property where the Land Total has a difference greater than \$1,000 from the Calculated Land Total. In those instances where it appears that an error has occurred, the Assessor will make the necessary correction and notify the property owner. By law, unless the Town is going through a General Reassessment, the Assessor cannot make changes to the Land Total if the Land Total is less than the Calculated Land Total.

Building Analysis: If a property owner feels that their Building Total – which is the difference between the Total Assessment and the Land Total – is too high, then the best approach in most cases is for the property owner to pay for an appraisal from a licensed property appraiser. The Assessor will take into seriously consider any licensed property appraiser's written valuation of your property. Likewise, if you find that you are being assessed for a building that does not exist or the description of your property is wrong, you probably want to meet with the assessor to see if the situation can be rectified.

Alternative Methodology: Property Owners always have the avenue of going to the Board of Assessment Review hearings in May. The necessary paperwork (RP-524) along with the justification for the appeal needs to be completed after May 1, 2008 and presented to



the Chair of the Board of Assessment Review and Assessor via the Town Clerk at least 4 days before the first hearing date that is scheduled.

Board of Assessment Review Hearings: The BAR will meet in the evening for at least 7 days during May and perhaps longer if necessary to hear property assessment complaints. The BAR does not make a decision during the hearing because often times there may be research that must be done. The Assessor is at all BAR hearings, but will only speak upon the request of a BAR member. A decision will be rendered by the BAR and a formal written response will be sent to the property owner. If the response is a reduction in the assessment, the Assessor will be instructed by the BAR to make the change. If the decision is unsatisfactory to the property owner; even if the assessment did or did not get lowered, then the property owner may appeal to Small Claims Assessment Review.

Small Claims Assessment Review: A SCAR (RPTL-730) petition may be filed with the County Clerk in Little Valley for a \$30 fee between July 1, 2008 and July 31, 2008. A SCAR hearing will be heard by an administrative hearing officer usually within 45 days. If the judgment results in a lowering of the assessment, the Assessor will change the 2008 assessment roll for your property. If you are not satisfied with the judgment, you may appeal by filing an individual Article 78 with the Supreme Court.

Individual Article 78: Unlike a town-wide Article 78, an individual Article 78 lawsuit applies only to your property and is a claim that you did not receive fair process and judgment. The filing fee is usually \$350 and requires a hearing before the Supreme Court Judge in Little Valley. You usually have four months from the date the decision was made that your view was unjust or did not give you due process. You should seek the advice of an attorney to make sure you do not miss your legal window to exercise this right if it is the path you are considering. The judgment made by the court is the final avenue for a change to your assessment.

Agenda Item #2: VILLAGE, TOWN, PCSD POLICE SERVICES AGREEMENT

The wording has been changed (see attached agreement) so that we are only doing indemnification and hold harmless and are not in any way obligated to pay the Village.

I recommend that the Town Board authorize the Supervisor to sign 3 copies of this agreement once it has 3 original signatures from the Village Mayor and the Board of Education President.

Agenda Item #3: KENNEL AGREEMENT UPDATE

The Kennel Use Agreement with Allegany has been signed by the Supervisor of the Town of Allegany and the Supervisor of the Town of Portville.

The Kennel Use Agreement has been drafted and forwarded to West Clarksville for their Supervisor's signature. No response yet from West Clarksville.

Financial & Investment Update: A discussion and recap of how the Town is doing financially year-to-date and where the Town is in terms of investment strategy was presented by Supervisor Keeley.

Agenda Item #4: FINANCIAL AND INVESTMENT UPDATE

(Refer to attachment accompanying these minutes)



Agenda Item #5: COURT CLERK HOURS INCREASE REQUEST

Justice Hale is requesting that the Court Clerk, Cheryl Howard, designated weekly hours be increased from 12 to 16 effective immediately due to a backlog of paperwork that must be eliminated to be in compliance with NYS court system procedures and policies.

Justice Hale has indicated that this situation is not permanent and should be resolved in several months.

I am recommending that we authorize Justice Hale to have the latitude on a weekly basis, until June 1, 2008, to have the Court Clerk work from 12 to 16 hours per week, but that thereafter, if more than 12 hours are required that Justice Hale revisit this subject once again with the Town Board to see if additional hours may be authorized by the Town Board for a selected temporary period.

A motion was made by Councilperson Stern, seconded by Councilperson Cornell, and approved by the Town Board to increase the Court Clerk's hours until May 31, 2008 and review for a continuation at that time. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

Agenda Item #6: BOND ANTICIPATION NOTES STRATEGY

The building addition to house the court at the Town Municipal Building originally cost \$80,000. A Bond Anticipation Note was originally acquired via Community Bank and was paid off with \$40,000 plus interest plus a new 1-Year BAN for \$40,000 at 4.5% interest which would mature on June 12, 2008. Five years ago a BAN was acquired to pay for the 2003 IH truck. Each year \$20,000 was paid down against principal plus the interest owing on the BAN. Last year, a \$20,000 BAN at 4.55% interest was acquired relating to the truck with a maturity date of June 15, 2008.

Interest rates on capital investment are currently floating between 3.00% and 3.81% which means that we should pay off our BANs when they mature and not enter into any new BANs unless it is an emergency because the BAN interest rates are much higher than our capital investment yields, i.e., we pay out more than we take in.

The only reason not to pay them off in full is if we are strapped for capital.

Do you concur?

Agenda Item #7: OFFICE BUILDOUT WITHIN EXISTING TOWN MUNICIPAL BUILDING

A discussion led by Dennis Cornell, of alternatives and recommendations to enable dedicated office space for the Assessor and shared office space for appointees and members of the public wishing to video conference with the Assessor, as well as optional improvements in space for the better management and control of records.

Agenda Item #8 Resolution RES-20080220.1: NEW YORK PUBLIC ENTITY MUNICIPAL COOPERATION AGREEMENT

Effective February 20, 2008, the Town Board of the Town of Portville did approve, at its public meeting on that date, and has enacted Resolution RES-20080220.1 to authorize the Supervisor of the Town of Portville to execute and deliver the Cooperative Investment

Effective February 20, 2008, the Town Board of the Town of Portville did approve, at its public meeting on that date, and has enacted Resolution RES-20080220.4 to appoint a Portville Town Board member as a non-voting member of the Chestnut Hill Cemetery Association Board of Directors for the purpose of ensuring financial and operational optimization as follows:

1. Continuing designation and disbursement of Town of Portville funds in any amount shall be contingent and dependent upon the approval by and full participation and access to the meetings, processes, documents, and decisions of the Chestnut Hill Cemetery Association Board of Directors by the Portville Town Board member designated to be the non-voting member of its Board;
2. Designation of the Portville Town Board member by the Portville Town Board shall be for the remaining elected term of that Portville Town Board member or until such time as the designated Portville Town Board member independently decides to resign from the Chestnut Hill Cemetery Association Board of Directors or until such time as the designated Portville Town Board member no longer remains in Town elected office;
3. Initially designate Dennis Cornell, Deputy Supervisor and Councilperson and member of the Portville Town Board, to serve as the non-voting member of the Chestnut Hill Cemetery Association Board of Directors effective February 20, 2008.

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to have Councilperson Cornell serve this position. VOTE: Keeley (YES), Cornell (ABSTAIN), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

Agenda Item #13: PLANNING BOARD MEMBER APPOINTMENT

Charlene Van Dusen is recommended to be the 7th member of the Planning Board with a term expiring on December 31, 2014. This position is without compensation or health insurance. She has been interviewed and received very positive reviews by two or more Town Board Members as well as by Bil Sponsler, the Chair of the Planning Board.

A motion was made by Councilperson Cornell, seconded by Councilperson Stern to appoint Charlene Van Dusen to the Planning Board. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

Agenda Item #14: BOARD OF ASSESSMENT REVIEW APPOINTMENTS

The former Board of Assessment Review Members – Michael De Barbieri, Augustus Kayes and Eugene Williams - appear to no longer be on the Board of Assessment Review. I use the word “appear” because the town documentation and listing from New York State Department in November, 2007 reflects that: a) Michael De Barbieri, while appearing on NYS records as still being on the Board of Assessment Review, never signed the oath book and therefore by NYS law was not legally on the Board of Assessment Review at any time; b) Augustus Kayes term of office expired September 30, 2007 and does not “appear” to have been renewed by the prior administration; and c) Eugene Williams, who still had time remaining on his term and did sign the oath book, has tendered his resignation from the BAR in writing. Like all appointed positions, the members of the Board of Assessment Review serve at the pleasure of the Town Board. We want to ensure that we take the necessary legal steps to guarantee that these three former appointees are in fact no longer



on the Board of Assessment Review. Therefore, I am recommending that the Town Board formally vote to remove Michael De Barbieri, August Kayes and Eugene Williams from the Board of Assessment Review.

A motion was made by Councilperson Stern, seconded by Councilperson Cornell and approved by the Town Board to remove Michael De Barbieri, August Kayes and Eugene Williams from the BAR. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

In contrast to our former Board of Assessment Review members, the Town Board this year has gone through an extensive effort to publicly recruit, interview and select candidates to be on the new Board of Assessment Review. We have made known to the public who we were considering and extended every opportunity for feedback to us to ensure that our selections were going to best serve the Town of Portville's property owners and citizens. These individuals we are about to recommend to be appointed are making a commitment to serve the public in a most important capacity. They each recognize that this year will most likely have many more cases before the Board of Assessment Review in May and possibly June than have happened historically. But they are up for the challenge, having agreed to going to training in April with both the Department of Real Property Services as well as training we will provide locally. You will recognize many of these citizens as your neighbors, people you come in contact with routinely, and as those who have many of the same values, concerns, intentions, and goals that you have. They are from a geographic cross section of our community and bring diverse skills, perspectives and abilities. We have selected these candidates for their ability to communicate their historic behavior of honesty, integrity, and fairness, their ability to weigh the facts and make sound decisions.

The following individuals are recommended for appointment to the Board of Assessment Review:

Gary Van Dusen lives in the Cuba area of the Town of Portville.

I am recommending Gary Van Dusen to be a Member of the Board of Assessment Review with a term expiring 09/30/2008 and to be the Chair of the Board of Assessment Review with a term expiring 09/30/2008;

Kirk Austin lives in Westons Mills.

I am recommending Kirk Austin to be a Member of the Board of Assessment Review with a term expiring 09/30/2009 and to be the Deputy Chair of the Board of Assessment Review with a term expiring 09/30/2008;

Paul Slawiak lives in the Village of Portville.

I am recommending Paul Slawiak to be a Member of the Board of Assessment Review with a term expiring 09/30/2010,

Elizabeth Augostini lives in the Village of Portville.

I am recommending Elizabeth Augostini to be a Member of the Board of Assessment Review with a term expiring 09/30/2011, and

Michael Batt lives in the northern corner of the Town of Portville.

I am recommending Michael Batt to be a Member of the Board of Assessment Review with a term expiring 09/30/2012.



In addition, I am recommending that they be required to attend a 2-hour training session with Real Property Services in Little Valley, NY in April, and that they be required to attend a 2-4 hour training session with the Town Supervisor in the Town Municipal Building in April.

A motion was made by Councilperson Woodhead, seconded by Councilperson Stern and approved by the Town Board to accept these appointments and to include necessary training as prescribed. VOTE: Keeley (YES), Cornell (YES), Stern (YES), Woodhead (YES), Jeffers (Absent). MOTION CARRIED 4-YES 0-NO

Agenda Item #15: ARTICLE 78 LAWSUIT SETTLEMENT DECISION

Supervisor Keeley recommended at the monthly public meeting on February 20, 2008, that the Portville Town Board approve and grant authorization to the Attorney for the Town of Portville, John Hart, to sign on its behalf an agreement to settle the Article 78 Lawsuit filed by the Petitioners Frank Aloï, Sr, et al, against Respondents Vickie Tuttle, Assessor of the Town of Portville, her successors and/or assigns, and the Board of Assessment Review of the Town of Portville, County of Cattaraugus, State of New York, and the Portville Central School District for an order and judgment nullifying and vacating the 2007-2008 assessment roll pertaining to all real property in the Town of Portville, New York as further stated that:

The above entitled proceeding involving 2007-2008 property tax assessments for the Town of Portville, County of Cattaraugus, and State of New York, having been commenced pursuant to Article 78 of the Civil Practice Law and Rules, and it appearing that assessments in the Town of Portville provide the basis for the imposition of taxes by the Town of Portville, the Village of Portville, the County of Cattaraugus and the Portville Central School District, and their respective attorneys, whereby Petitioner has determined to withdraw the within proceedings, and Town and School District having agreed to said resolution and the parties having agreed through their respective counsel that the best interests of all parties are served by the aforesaid resolution of the proceeding, now therefore it is hereby;

Stipulated and agreed, that the above-referenced proceeding for the tax year 2007-2008 is hereby discontinued and withdrawn with prejudice, and without costs to any party, and it is further;

Stipulated and agreed, that the terms of this Stipulation shall affect only the 2007-2008 tax year, and that the provisions of Section 727 of the Real Property Tax Law shall not apply, and it is further;

Stipulated and agreed, that this agreement shall bind the successors in interest to the parties.

Motion made by Councilperson Woodhead and seconded by Deputy Supervisor Cornell. VOTE: Keeley (YES), Cornell (YES), Jeffers (ABSENT), Stern (ABSTAIN), Woodhead (YES). Motion (PASSED).

Agenda Item #16 TRI-BOARD DE-BRIEFING

Supervisor Keeley gave a community update on what transpire at the Town, Village, PCS Tri-Board meeting held January 28, 2008 at the Superintendent's office at the school.

Agenda Item #17 RECOMMENDATION TO HOLD PUBLIC HEARING REGARDING ABOVE



GROUND FUEL TANK:

A recommendation to hold public hearing regarding above ground fuel tank shared services proposal between the village of Portville, town of Portville, and Portville Central School District: A preliminary public and board discussion about the merits or risks of considering a shared services arrangement for utilization and possible expansion of the Town's above ground fuel tanks to reduce overall costs amongst the three governmental entities.

Agenda Item #18 RECOMMENDATION TO FORM A NON-BINDING ECONOMIC STRATEGIC PLANNING

(Refer to attachment accompanying these minutes)

Adjournment

Being there was no further business a motion to adjourn at 10:15PM was made by Deputy Supervisor Cornell, seconded by Councilperson Woodhead 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,

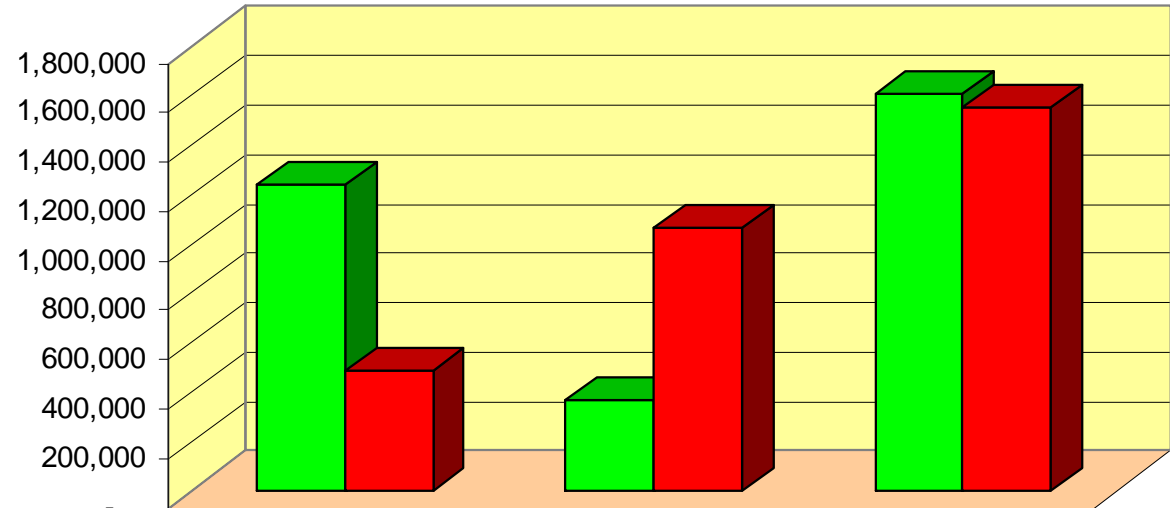
James Parks
Town Clerk
Town of Portville, New York



TOWN OF PORTVILLE, NEW YORK

Agenda Item #4: Financial & Investment Update

**Collected Property Taxes
As Of 02/15/08**

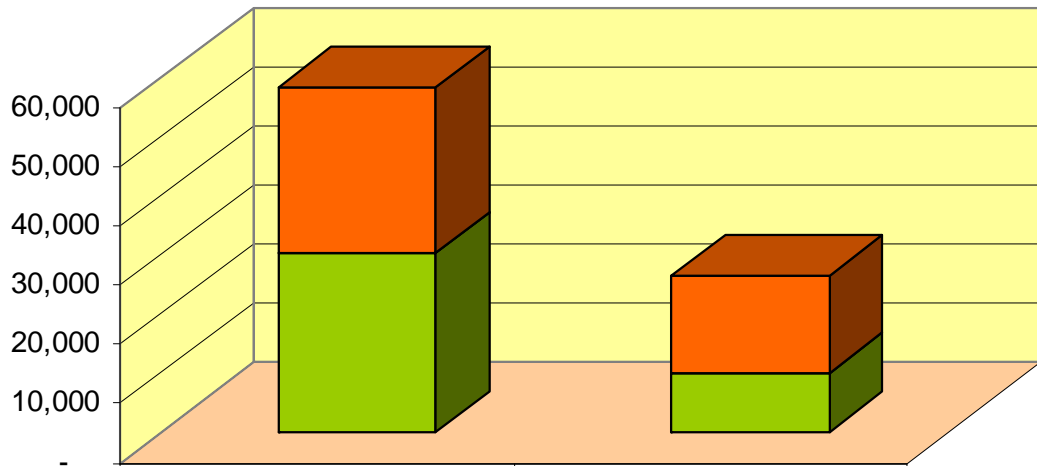


	01/31/08	02/15/08	YTD
■ Collected	1,236,861	368,473	1,605,334
■ Disbursed	490,292	1,063,349	1,553,641

Collected Property Tax Disbursement As Of 02/15/08

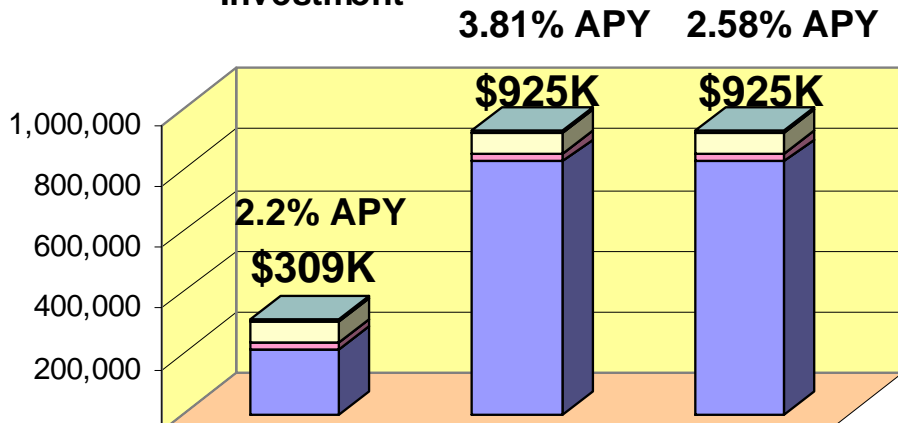
		Distribution	Collected
General Fund	208,587	8.6%	100%
Highway Fund	389,223	16.0%	100%
Happy Hollow Sewer District	10,403	0.4%	100%
Happy Hollow Lighting District	2,400	0.1%	100%
Westons Mills Lighting District	4,200	0.2%	100%
Westons Mills Fire District	45,260	1.9%	100%
Portville Fire District	113,568	4.7%	100%
Town of Portville	773,641	31.8%	100%
Cattaraugus County	780,000	32.0%	47%
Total Taxes Collected	1,553,641	63.8%	
Taxes Past Due	880,868	36.2%	
Total Taxes Billed	2,434,509	100.0%	

Town of Portville Operating Expense



	01/01/08-01/31/08	02/01/08-02/15/08
Administrative	28,062	16,709
Highway	30,386	9,860

**Town of Portville
Investment**



	12/31/07	01/31/08	02/15/08
Happy Hollow Sewer Reserve	5,187	5,187	5,187
Highway Reserve	67,376	67,376	67,376
General Reserve	28,838	28,838	28,838
Capital Investment	207,487	823,629	823,629

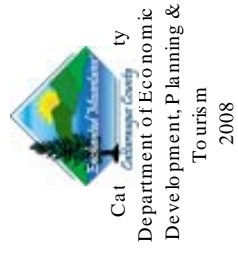
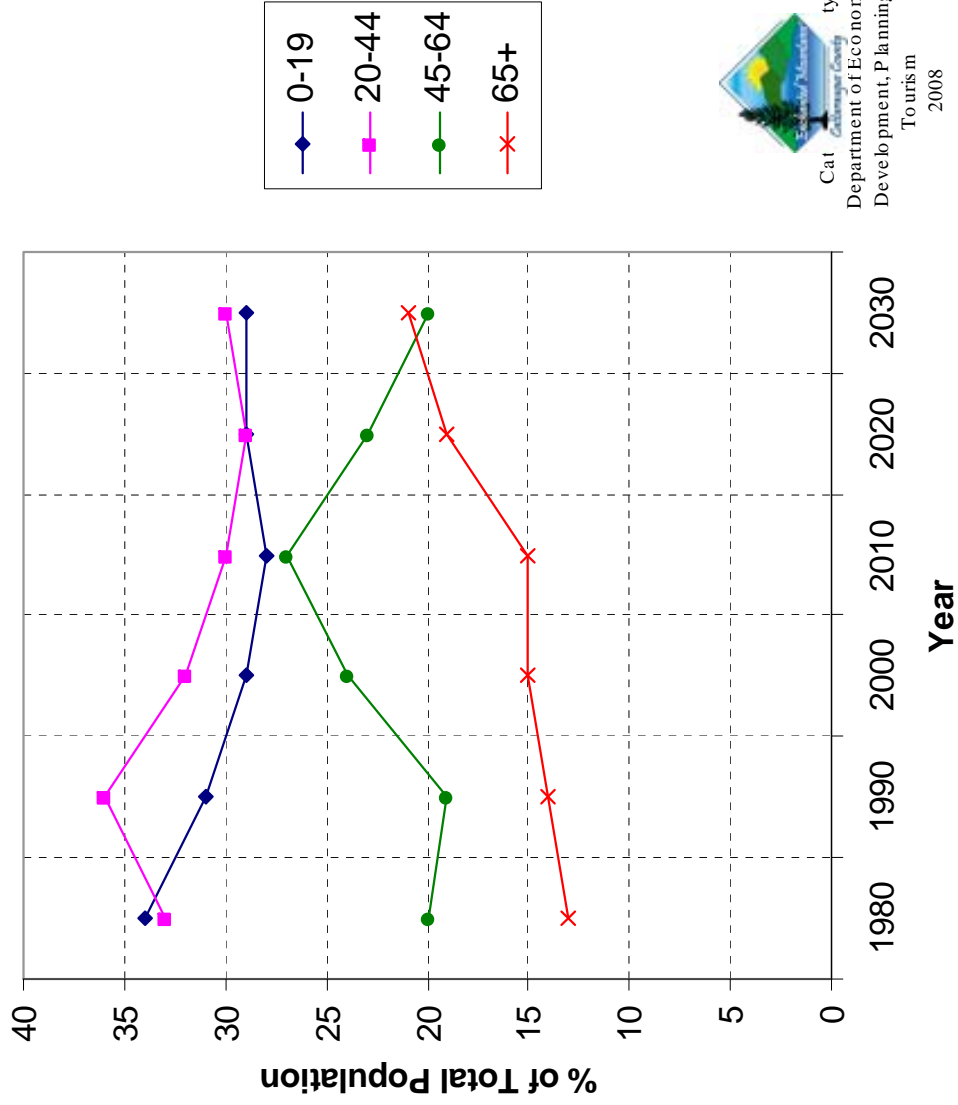
Economic Strategic Planning

- Improve Average Household Income
- Reduce Population's Average Age
- Grow The Population
- Reduce The Risks Of Economic Downturns
- Lower Or Stabilize Property Tax Burden Per Taxable Property Parcel

2000 US Census

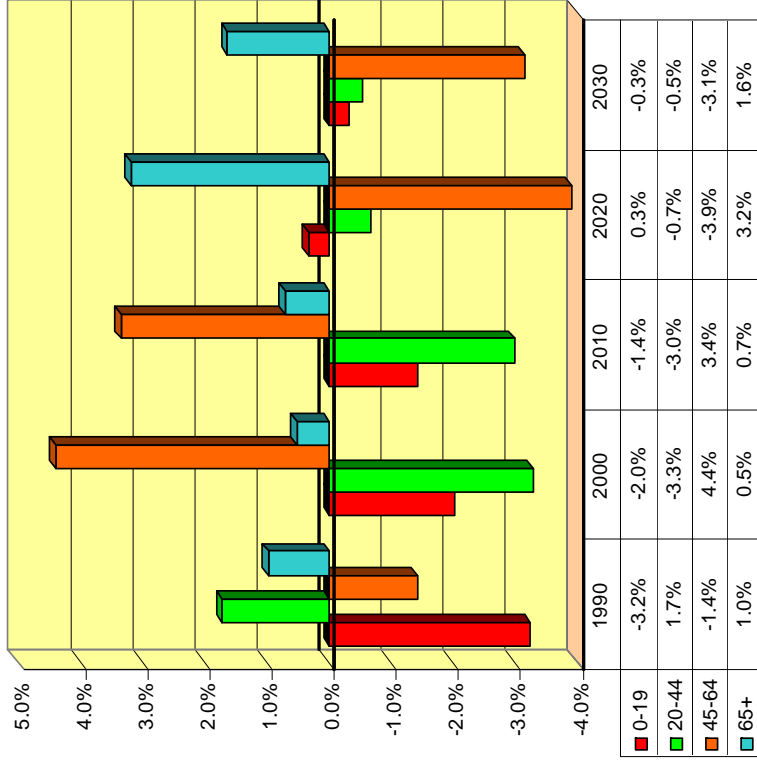
	Town of Portville	Cattaraugus County	United States
Average Household Size	2.56	2.37	2.61
Average Family Size	3.01	2.78	3.20
High School or greater	84.6%	87.1%	84.1%
Bachelor Degree or greater	17.7%	19.4%	27.0%
Median Household Income	37,284	39,066	48,451
Median Family Income	41,270	46,168	58,526
Per Capita Income	18,043	19,589	25,267
Median Age	39.1	39.2	35.3

Cattaraugus County Population and Population Projections By Age Group 1980-2030



Source: U.S. Census Bureau and Cornell University

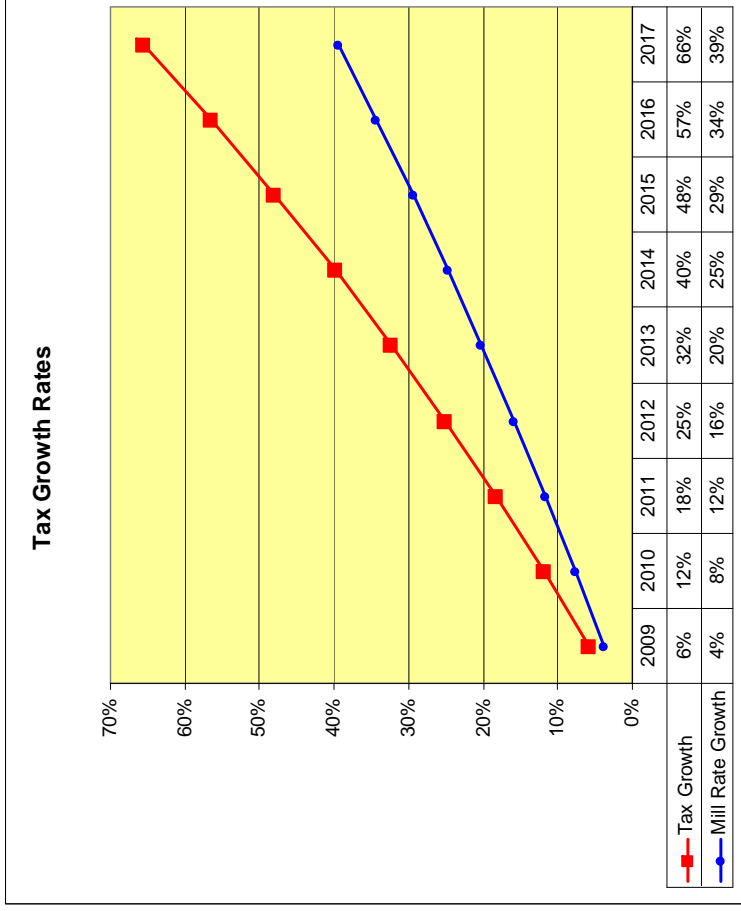
Cattaraugus County Population Change



Age Group	Population by Age Group			Population Projection By Age Group		
	1980	1990	2000	2010	2020	2030
0-19	29,160	34	26,384	31	24,697	29
20-44	28,561	33	30,044	36	27,288	32
45-64	17,192	20	15,976	19	19,693	24
65+	10,984	13	11,830	14	12,277	15
TOTAL	85,897	100	84,234	100	83,674	100

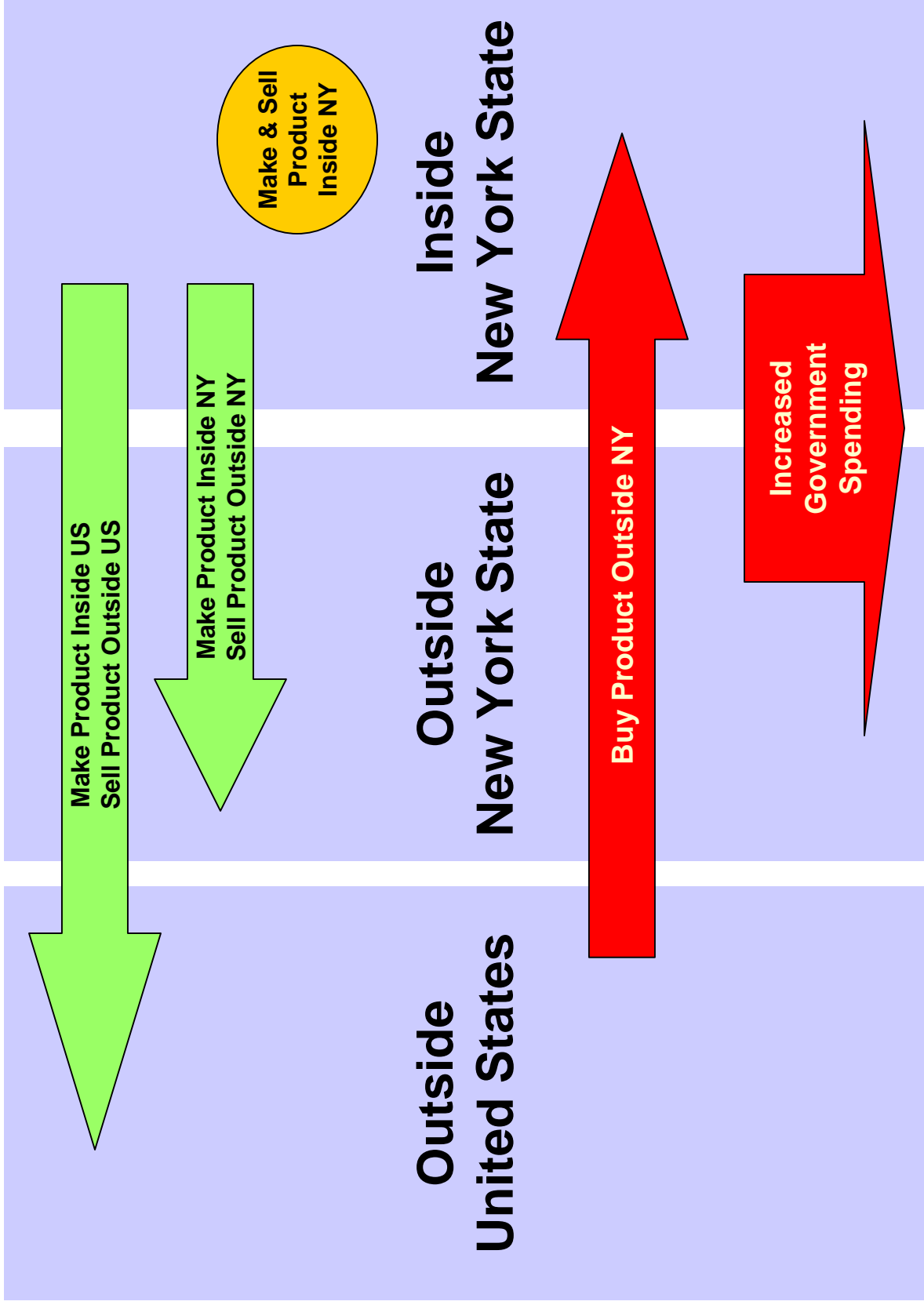
Citation for Projections: Brown, Warren A. (2002). Baseline Population Projections: NY'sis Projects SEP02. Cornell Institute for Social and Economic Research, Cornell University, Ithaca, NY (16 September 2002)

Portville Statistics



	2008	2011	2014	2017
Annual Growth	4%	1.8	2.0	2.3
County (\$MM)	1.6	1.8	2.0	2.3
Town (\$MM)	0.8	0.9	1.0	1.1
School (\$MM)	16.6	19.8	23.5	28.0
Overall Growth From 2008	19.0	22.5	26.6	31.5
Average Age	39.1	39.7	40.3	40.9
School Population	982	977	985	993
Assessment (\$MM)	140.0	148.6	157.7	167.3
Exemptions (\$MM)	24.0	25.7	27.6	29.5
Taxable Assessment (\$MM)	116.0	122.9	130.1	137.8
Mill Rate (\$/1000)	83%	83%	83%	82%
	164	183	204	228

Economics



Improve Average Household Income

- Create new exportable product that is in high demand outside of New York State
- Increase population of people with high demand skill sets
- Bring in businesses through tax incentives, skilled population existence, and stable government structure and direction

Reduce Average Age & Growth The Population

- Develop young people's skill sets locally to increase their potential to deliver exportable product locally – language skills and advanced computer literacy
- Create business and residential development opportunities that brings in new families to deliver exportable product

Reduce Risk of Economic Downturn

- Establish business-friendly tax structures
- Ensure the exportable product is dependent on local availability of cost effective expertise
- Constantly reexamine alternatives

Reduce Tax Burden

- Growth in residential and commercial properties spurred on by exportable product
- Synergy between business, community and government to constantly strive for what is minimal and sufficient

Next Steps

- Form Economic Strategic Planning Committee
- Business Executives With Product Export Experience, Software Development & Service Experts, Economics Experts, & Advanced Education Experts
- Develop Implementable 15-Year Plan
- Obtain Buy-In & Execution From Community, Potential Targeted Industry, and Government (NYS, County, Portville, & Educational Institutions)