



DATE: January 3, 2008

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  
Dennis Cornell, Deputy Supervisor  
Marlin Jeffers, Councilperson  
William Stern, 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 Cornell by asking attendees to stand and join him in the “Pledge of Allegiance”.

Councilperson Cornell informed those present that the purpose of tonight’s meeting was to have Judge Hale 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 Superintendent of Highways that can be executed without prior approval of 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 Judge Hale of all appointees.

**Elective Office Oaths**

Judge Hale performed the oath of office on Harry W. “Terry” Keeley as Supervisor for a term of 2 years expiring on December 31, 2009, on William Stern as Councilperson for a term of 4 years expiring on December 31, 2011, and on Gary Woodhead as Councilperson for a term of 4 years expiring on December 31, 2011.

**Organizational Meeting**

Supervisor Keeley called the Organizational Meeting to order.



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### Appointments

Supervisor Keeley designated, in accordance with Town Law 28, Councilperson Cornell to be the Deputy Supervisor for 1 year with a term expiring December 31, 2008. Supervisor Keeley recommended that the 2008 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. Motion to adopt was made by Councilperson Stern, seconded by Woodhead and approved by the Town Board. VOTE: Keeley (YES), Cornell (ABSTAIN), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO 1-ABSTAIN.

Supervisor Keeley recommended a reduction in the 2008 annual compensation of the Supervisor from \$9,432 to \$7,200, that the annual compensation be divided into four equal installments paid at the end of each quarter, and that the Supervisor no longer receive health insurance. Deputy Supervisor Cornell made the motion to adopt, seconded by Councilperson Woodhead. VOTE: Keeley (ABSTAIN), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 4-YES 0-NO 1-ABSTAIN.

Deputy Supervisor Cornell made the motion that the 2008 annual compensation of each Councilperson remain at \$1,320, that the annual compensation be divided into four equal installments paid at the end of each quarter, and that no Councilperson receive health insurance. The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Councilperson Stern made the motion that the 2008 annual compensation of Town Justice Daniel Hale be \$9,000, that the annual compensation be divided into 12 equal installments of \$750 and paid at the end of each month, and that no health insurance be provided for this elected position. The motion was seconded by Deputy Supervisor Cornell. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Deputy Supervisor Cornell made the motion that Christopher Piaggi, Village of Portville Justice, receive \$1,200 in annual compensation, that the annual compensation be divided into 12 equal installments of \$100 and paid at the end of each month, and that no health insurance be provided. The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Councilperson Woodhead made the motion that the 2008 annual compensation of Highway Superintendent Stuart Frost be \$41,496, that the annual compensation be divided into 24 equal installments of \$1,729 and paid on the 1st and 15<sup>th</sup> of each month, and that health insurance be provided for this elected position. The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Deputy Supervisor Cornell made the motion that the hourly compensation of the Highway Department employees be as follows and that each of these full-time Highway Department employee receive health insurance:

1. Timothy Griffin, as having been recommended as the Deputy Highway Superintendent by the Highway Superintendent for a 1 year term expiring on December 31, 2008, receive \$16.18 per hour beginning January 1, 2008;



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2. Brian Freaney receive \$14.00 per hour beginning January 1, 2008 up until March 12, 2008 and, with satisfactory review of his performance by the Highway Superintendent with the Town Board, will receive \$15.64 per hour beginning March 13, 2008;
3. Ryan Hatch receive \$15.64 per hour beginning January 1, 2008; and,
4. Terry Walden receive \$15.64 per hour beginning January 1, 2008.

The motion was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended that James Parks be appointed, in accordance with Town Law 24, as the Town Clerk and Tax Collector for a 2-year term expiring December 31, 2009, and that he receive an hourly compensation of \$13.00 for a scheduled 30 hours per week to which any additional hours must be approved by either the Supervisor or Deputy Supervisor. Councilperson Stern made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended, in accordance with Town Law 24, that John Hart be appointed as Town Attorney for a 2-year term expiring on December 31, 2009, 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. Councilperson Woodhead made the motion to adopt the recommendation and was seconded by Deputy Supervisor Cornell. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Councilperson Stern made a motion that the following positions be appointed for 1 year terms expiring on December 31, 2008, that the nominees to be sworn into these positions continue to serve during that year at the pleasure of the Town Board, and that no health insurance coverage be provided:

4. With the advice and consent of and reporting to the Town Clerk, Margo Hanmer as First Deputy Town Clerk and Deputy Tax Collector will receive an hourly compensation of \$8.00 for hours worked that have been pre-authorized by the Town Clerk, and that those pre-authorized and worked hours will be paid weekly;
2. With the advice and consent of and reporting to the Town Justice, Cheryl Howard as Clerk of the Court, will receive an hourly compensation of \$12.00 for up to 12 hours per week to which any additional hours must be recommended by the Town Justice and approved by resolution of the Town Board, and to which authorized and performed hours will be paid weekly;
3. Eva Taggerty as Building Inspector will receive a monthly compensation of \$500 to be paid at the end of each month;
4. Eva Taggerty as Code Enforcement Officer with a monthly compensation of \$100 to be paid at the end of each month;



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5. Eva Taggerty as Flood Control Officer with a monthly compensation of \$40 to be paid at the end of each month; and,
6. Hugh Morrow as Dog Control Officer with a monthly compensation of \$343 to be paid at the end of each month.

The motion was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended that Gail Feuchter be appointed Town Historian for a 1 year term expiring on December 31, 2008, serving at the pleasure of the Town Board, with a one-time compensation of \$275 payable on December 31, 2008, and that no health insurance cover be provided. Councilperson Woodhead made the motion to adopt the recommendation and was seconded by Deputy Supervisor Cornell. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Deputy Supervisor Cornell made the motion that the following positions be appointed for 1 year terms expiring on December 31, 2008, that the nominees to be sworn into these positions are contractors and will continue to serve during that year at the pleasure of the Town Board, and that any compensation be paid as stipulated by nominee below, and that no health insurance cover be provided:

1. Edward Bysiek as Bookkeeper with an hourly compensation of \$40 per hour as a contractor, that the monthly hours not exceed 40 unless pre-authorized by the Supervisor or Deputy Supervisor, and that contractor submit to the Town Clerk an invoice monthly for hours of work performed, and that any invoice be subsequently reviewed for consideration of payment by the Town Board at its next scheduled monthly meeting; and,
2. Steffanie Bell as Secretary to the Planning Board and Zoning Board of Appeals with compensation of \$40 per meeting encompassing 4 hours of work per meeting to which any additional hours at \$10 per hour must be pre-approved by resolution of the Town Board.

The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Councilperson Stern made the motion that the Planning Board be comprised of 7 members with annually staggered terms, the appointment of 6 of the 7 members at this meeting, and the public notification of 1 vacant member position with a term expiring on December 31, 2012, and that the following individuals be appointed to the Planning Board to serve at the pleasure of the Town Board without compensation or health insurance:

1. William Sponsler as member with a term expiring December 31, 2011 and as Chair with a term expiring December 31, 2008;
2. David McCoy as member with a term expiring December 31, 2008 and as Deputy Chair with a term expiring December 31, 2008;
3. Kay Anderson as member with a term expiring December 31, 2009;



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4. Terry Blough as member with a term expiring December 31, 2010;
5. Patrick Milne as member with a term expiring December 31, 2013; and,
6. Kip Morrow as member with a term expiring December 31, 2012.

The motion was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Deputy Supervisor Cornell made the motion that the Zoning Board of Appeals be comprised of 5 members with annually staggered terms and that the following individuals be appointed to the Zoning Board of Appeals to serve at the pleasure of the Town Board without compensation or health insurance:

1. Robert Fischer as member with a term expiring December 31, 2008 and as Chair with a term expiring December 31, 2008;
2. Salverio Gagliardo as member with a term expiring December 31, 2009 and as Deputy Chair with a term expiring December 31, 2008;
3. James Peace as member with a term expiring December 31, 2010;
4. Joan McAndrew as member with a term expiring December 31, 2011; and,
5. Charles Daley as member with a term expiring December 31, 2012.

The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

Supervisor Keeley recommended that the Board of Assessment Review be comprised of 5 members with annually staggered terms of which one member's term would expire annually on September 30<sup>th</sup>, with the further 1 year designation of a Chair and Deputy Chair amongst those 5 members, that each member serve at the pleasure of the Town Board without compensation or health insurance, that no member be appointed at this time but instead that public notification be given to encourage the public to come forth as candidates to serve on this board as follows:

1. Member and as Chair with a term expiring September 30, 2008;
2. Member with a term expiring September 30, 2009 and as Deputy Chair with a term expiring September 30, 2008;
3. Member with a term expiring September 30, 2010;
4. Member with a term expiring September 30, 2011; and,
5. Member with a term expiring September 30, 2012.

Councilperson Stern made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.



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Supervisor Keeley recommended that the position of Assessor be filled on an acting basis for a period of six months commencing January 15, 2008 and expiring July 15, 2008 by either the County of Cattaraugus Real Property Services or an existing assessor in a Town within Cattaraugus or Allegany counties under contract with conditional opportunity to cancel that arrangement early if the Town Board should select and hire an Assessor. Further, Supervisor Keeley recommended that the Town Board begin an active recruitment process for an Assessor with Councilperson Stern and Supervisor Keeley heading the recruitment effort.

Deputy Supervisor Cornell made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Newspaper Designation**

Councilperson Woodhead made the motion that the official newspaper be the Olean Times Herald. The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (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 in the Town of Portville Municipal Building except for March, June, July and December when the meetings would be held at the Westons Mills Community Center;
3. The Planning Board meet at the Town of Portville Municipal Building at 6:30PM on the first Thursday of each month, except for January when the meeting would be held on the 9<sup>th</sup> and May when the meeting would be held on the 8<sup>th</sup>;
4. The Zoning Board of Appeals meet at the Town of Portville Municipal Building at 7:30PM on the second Thursday of each month, except for May when the meeting would be held on the 15<sup>th</sup>; and,
5. 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).

Councilperson Woodhead made the motion to adopt the recommendation and was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Meeting Protocol**

Supervisor Keeley recommended that each of 4 boards – Town Board, Planning Board, Zoning Board of Appeals, 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



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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 4 members.
  - c. Zoning Board of Appeals – minimum of 3 members.
  - d. 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.



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10. Mandatory Monthly Reporting By Department Leadership At Town Board Meetings: Each Department Leader (Highway Department Superintendent, Town Clerk, Assessor, Building Inspector, Code Enforcement Officer, Flood Control Officer, Planning Board Chair, Zoning Board of Appeals Chair) 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 Microsoft Word or PDF format. The Town Justice is required to produce a written report of the same factors and deliver that report in Microsoft Word or PDF format by email to the Town Clerk 5 days before the scheduled Town Board meeting, but is not required to attend the Town Board meeting. The Dog Control Officer is required to produce a written report of accomplishments, risks and opportunities to be submitted by email in Microsoft Word or PDF format 5 days in advance of the Town Board Monthly Meeting. 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 use within the Town that are electronically produced shall only use the 97 through 2003 output format of Microsoft Word, Excel or PowerPoint for the various versions on the Windows Operating System, or shall be produced in the 2000 through 2004 output format on the MacOS Operating System. Alternatively, any document may be produced in PDF format as long as editing or document integration is not required.
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 any public meeting. The public shall have the right to do this recording from their specific location in the meeting but may not disrupt 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 Stern made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (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, Key Bank and Smith Barney as its financial institutions for deposits, disbursements and investments. Councilperson Woodhead made the motion to adopt the recommendation and was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.



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### **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 Stern made the motion to adopt the recommendation and was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **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. Deputy Supervisor Cornell made the motion to adopt the recommendation and was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Mileage Reimbursement For Town Business**

Councilperson Woodhead recommended that the Town of Portville reimburse \$0.42 per mile to 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 elected or appointed individuals for reimbursement in the month in which it was incurred. The motion was seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Highway Department Superintendent Pre-approved Spending Limit**

Deputy Supervisor Cornell made the motion, in accordance with Town Law 142 section 1a, that the Highway Superintendent be allowed to make budgeted purchases for the purpose of:

1. individual supply or repair acquisitions of \$1,000 or less without Town Board approval;
2. individual supply or repair acquisitions of over \$1,000 but less than \$5,000 with written authorization by email from either the Supervisor or Deputy Supervisor;
3. any supply or repair acquisition over \$5,000 must be considered for pre-authorization by the Town Board in its monthly meeting; and,
4. any capital asset acquisition of any amount must be considered for pre-authorization by the Town Board in its monthly meeting.

The motion was seconded by Councilperson Woodhead. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (YES), Woodhead (YES). MOTION CARRIED 5-YES 0-NO 0-ABSTAIN.

### **Adjournment**



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Supervisor Keeley recommended that the Organizational Meeting be adjourned, that Judge Hale perform the swearing in of appointees, that following the swearing in, appointees, accompanied by their families, meet in the adjacent room to sign the oath book, and thanked the public for attending the organizational meeting. The motion was made by Councilperson Woodhead and seconded by Councilperson Stern. VOTE: Keeley (YES), Cornell (YES), Jeffers (YES), Stern (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 3, 2008