



TOWN OF PORTVILLE, NEW YORK

DATE: February 4, 2010

TIME: 10:00AM

MEETING: Town Board Meeting, Town of Portville, New York

LOCATION: Board Room, Portville Central School District, 500 Elm Street, Portville, NY 14770

Administrative Process

1. Pledge of Allegiance
2. Introduction of Board Members
3. Determination of Quorum (Keeley, Stern, Batt, Van Dusen, Woodhead present)

New Business

1. **Unisex ADA-Compliant Bathroom** (Keeley): Recommended approving RP Construction quote and authorization to commence work to convert existing administrative bathrooms to one unisex ADA-compliant bathroom with adjacent small storage room for a cost of \$7,480 of which \$3,575 would come from the 2008 Court Grant and the remainder from the A Fund. Motion made by Stern, seconded by Batt. Unanimously approved by the board.
2. **Resolution RES-20100204.4** (Keeley): Recommended approval of Resolution RES-20100204.4 that authorizes the town supervisor to sign agreement to recognize Teamsters Union Local No. 264 (see attachment). Motion made by Van Dusen, seconded by Woodhead. Unanimously approved by the board.
3. **Public Notice** (Keeley): Recommended approval to publish a public notice (see attachment) that announces recognition of the Teamster Union Local No. 264. Motion made by Batt, seconded by Van Dusen. Unanimously approved by the board.
4. **Safe Replacement** (Keeley): Recommended existing safe be replaced due to inability to repair and make it safely operational. Recommended new safe costing no more than \$1,400 be acquired through Austin Locksmithing. Motion made by Van Dusen, seconded by Stern. Unanimously approved by the board.
5. **Acting Deputy Assessor Training Hours** (Keeley/Martonis): Keeley and Martonis recommended that the acting deputy assessor's hours be increased to 20 hours per week through February, 2010 and then 8 hours per week March through April, fixed scheduled hours are 5P-9P Tuesday and all other hours are flex, seven days a week with no call out pay. Motion made by Batt, seconded by Woodhead. Board approved motion unanimously.
6. **Acting Assessor Appointment & Contract Extension** (Keeley): Recommended Dan Martonis's contract and term of appointment as acting assessor be extended to December 31, 2011. Motion made by Batt, seconded by Van Dusen. Unanimously approved by the board.
7. **Hwy Dept Subpanel** (Keeley): Recommended approval of 100 amp subpanel in hwy dept to enable breaker management from within the hwy dept and also prepare for circuit capabilities relating to the shared fuel facility. Motion made by Woodhead, seconded by Stern. Unanimously approved by the board.

Motion to adjourn made by Van Dusen, seconded by Stern and unanimously approved by board.

Contact: Town Supervisor
Municipality: Town of Portville
Street: 1102 Olean Portville Road
PO Box: PO Box 630
City, State, Zip: Portville, NY 14770
Phone: 716-933-6658

Supplier: RP Construction
Street: 24 Maple Avenue
PO Box:
City, State, Zip: Portville, NY 14770
Phone: 716-307-3659/716-397-8516 Fax

PO Number: 73
PO Date: 02/04/2010
Approval: 772843

Earliest Delivery: 02/04/2010
Latest Delivery/PO Expiration: 03/31/2010

Project: Unisex ADA-compliant Bathroom
Purpose: Ensure ADA Compliance

Fund: A
Acct: 1989.4

Units	Description	Unit Price	Ext Price
1	Convert combination of all of the woman's bathroom and approximately half of men's bathroom to a unisex ADA-compliant bathroom including new toilet, floor, doors sink, grab bars and other required features.	7,480.00	7,480.00
	Note: Balance of 2008 Court Grant to be used towards payment with remainder applied to A-1989.4.		
PO Total:			7,480.00

Approved:

Bill to: Town of Portville
 PO Box 630
 Portville, NY 14770
 Attn: Town Supervisor

H.W. Keeley
Supervisor
Town of Portville



TOWN OF PORTVILLE, NEW YORK

Resolution RES-20100204.4: AUTHORIZING SUPERVISOR TO RECOGNIZE TEAMSTERS UNION LOCAL NO. 264

Whereas, By letter dated January 14, 2010, the Teamsters Local Union No. 264 requested recognition from the Town as the sole and exclusive representative for the purposes of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of employees in the unit of certain employees of the Town; and,

The Teamsters Local Union No. 264 thereafter submitted evidence to an independent neutral of its majority showing of interest in the unit of job titles for which it requested recognition, and the Town has accepted such proof of majority status.

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

The Town of Portville hereby approves the Recognition Agreement between the Town and the Teamsters Local Union No. 264, as presented to the Town Board, and that the Town Supervisor is hereby authorized and directed to sign said document on behalf of the Town Board.

Approved this 4th day of February, 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
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RECOGNITION AGREEMENT

This Recognition Agreement is entered into by and between the Town of Portville, hereinafter referred to as “Town”, and the Teamsters Local Union No. 264, hereinafter referred to as “Teamsters”.

By letter dated January 14, 2010, the Teamsters requested recognition from the Town as the sole and exclusive representative for the purposes of negotiating collectively in the determination of, and administration of grievances arising under, the terms and conditions of employment of employees in a unit of certain employees of the Town. The Teamsters thereafter submitted evidence of its representation of a majority of the employees in the unit of job titles for which it requested recognition, and the Town has accepted such proof of majority status. Accordingly, the parties have entered into this Recognition Agreement to document and record the Town’s recognition of the Teamsters pursuant to Sections 204 and 207 of the New York State Civil Service Law, commonly known as the Taylor Law.

NOW, THEREFORE, in consideration of the mutual promises set forth below, to be performed one for another, the Town and the Teamsters hereby agree as follows:

The Town of Portville hereby recognizes the Teamsters Local Union No. 264 as the exclusive representative for the purposes of negotiating collectively in the determination of, and administration of grievance arising under, the terms and conditions of employment of the employees in the following bargaining unit:

Included: Full-time and part-time COMMERCIAL DRIVER – CLASS B positions in the Highway Department of the Town of Portville

Excluded: Highway Superintendent, all managerial employees, all confidential employees, all supervisory employees, all appointee employees, all elected employees, and all other employees not listed as “Included” above.

The recognition of the Teamsters by the Town shall extend for the maximum period permitted by law.

The Teamsters Local Union No. 264 hereby affirms that it does not assert the right to strike against the Town, to assist or participate in any such strike, or to impose an obligation on its members to conduct, assist, or participate in any such strike.

This Agreement may be executed in counterparts, each of which will be deemed an original, and all of which, when taken together, shall constitute one and the same Agreement. The Town and the Teamsters agree that this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Signatures transmitted by facsimile shall have the same effect as original signatures.

Supervisor
Town of Portville, New York
PO Box 630
1102 Olean Portville Road
Portville, NY 14770

President
Teamsters Local Union No. 264
35 Tyrol Drive
Cheektowaga, NY 14227-2715

Dated

Dated



TOWN OF PORTVILLE, NEW YORK

TOWN OF PORTVILLE, NEW YORK

Public Notice

The Town of Portville, New York, hereby gives public notice that, by action of the Town of Portville Town Board taken on February 4, 2010 in a public meeting held at 10:00AM in the Boardroom Conference Room at the Portville Central School District, 500 Elm Street, Portville, NY 14770, pursuant to Sections 204 and 207 of the New York State Civil Service Law, the Town has recognized the Teamsters Local Union No. 264 as the representative of a bargaining unit comprised of the following job titles:

Included: Full-time and part-time COMMERCIAL DRIVER – CLASS B positions in the Highway Department of the Town of Portville.

Excluded: Highway Superintendent, all managerial employees, all confidential employees, all supervisory employees, all appointee employees, all elected employees, and all other employees not listed as “Included” above.

By: _____
Jim Parks
Town Clerk
Town of Portville
PO Box 630
1102 Olean Portville Road
Portville, NY 14770

Contact: Town Clerk
Municipality: Town of Portville
Street: 1102 Olean Portville Road
PO Box: PO Box 630
City, State, Zip: Portville, NY 14770
Phone: 716-933-6658

Supplier: Autin Locksmithing & Security Inc.
Street: 1619 West State Street
PO Box:
City, State, Zip: Olean, NY 14760
Phone: 716-373-3100/716-372-2100 Fax

PO Number: 72
PO Date: 02/04/2010
Approval: 823326

Earliest Delivery: 02/04/2010
Latest Delivery/PO Expiration: 02/16/2010

Project: Document Management
Purpose: Replace Inoperable Large Document Safe

Fund: A
Acct: 1460.4

Units	Description	Unit Price	Ext Price
	LSDA RS4524 Records Safe		
1	Materials	1,162.80	1,162.80
1	Installation/Labor	100.00	100.00
	Includes assisting moving inoperable safe from records storage room to hwy dept bay. Includes removal of inoperable safe doors for safety purposes. Service charge for assistance may be added to invoice.		
PO Total:			1,262.80

Approved:

Bill to: Town of Portville
 PO Box 630
 Portville, NY 14770
 Attn: Town Supervisor

H.W. Keeley
Supervisor
Town of Portville



TOWN OF PORTVILLE, NEW YORK

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, hereinafter referred to as “Employment Contract”, of Acting Assessor by Town and shall supercede the Employment Contract dated January 1, 2010 between Town and Acting Assessor.

Town agrees that:

1. Acting Assessor shall be employed by Town for the period beginning January 1, 2010 and ending December 31, 2011.
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 1st and 15th 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 March 16, 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 1st 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 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.
- 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

Daniel T. Martonis

H.W. Keeley, Supervisor

February 17, 2010

February 17, 2010



Date

Date

Contact: Town Supervisor
Municipality: Town of Portville
Street: 1102 Olean Portville Road
PO Box: PO Box 630
City, State, Zip: Portville, NY 14770
Phone: 716-933-6658

Supplier: Haberly Electric
Street: 2038 Wayman Branch Road
PO Box:
City, State, Zip: Olean, NY 14760
Phone: 716-372-4597

PO Number: 71
PO Date: 02/04/2010
Approval: 616382

Earliest Delivery: 02/04/2010
Latest Delivery/PO Expiration: 02/26/2010

Project: Shared Fuel Facility C-088879
Purpose: Fuel Station/Hwy Dept Electrical Subpanel

Fund: N/A
Acct: N/A

Units	Description	Unit Price	Ext Price
1	100 AMP 3-Phase panel in town hwy dept main garage on breakroom wall. New feeders to panel run in 1-1/2" EMT conduit with #2 copper THHN wire. Install all garage circuits and allow for 16 extra breakers for future use. Run 3 new CAT5 to security, lunch & common rooms. Panel will be Cutler-Hammer 225 AMP rated with copper bus fed from main service panel with 100 amp sub fed breaker.	3,500.00	3,500.00

PO Total: 3,500.00

Approved:

Bill to: Town of Portville
 PO Box 630
 Portville, NY 14770
 Attn: Town Supervisor

H.W. Keeley
Supervisor
Town of Portville