



TOWN OF PORTVILLE, NEW YORK

DATE: May 21, 2008

TIME: 6:00PM

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

LOCATION: Westons Mills Community Center, 1310 Olean Portville Road, Westons Mills, New York

PRESENT: Dennis Cornell, Deputy Supervisor
William Stern, Councilperson
Gary Woodhead, Councilperson
Terri Batt, Councilperson
James Parks, Town Clerk
Stuart Frost, Highway Superintendent
Dave McCoy Planning Board Chair
Eva Taggerty, Code Enforcement Officer
Dan Martonis, Acting Assessor
Absent, Terry Keeley, Supervisor

Thirty one members of the community, PCS Government Class, Matt Milne Strength & Leadership Class, and media.

Procedural Compliance

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

Deputy Supervisor Cornell welcomed everyone and asked the town board, highway superintendent, and town clerk to introduce themselves. Four board members were present to satisfy a quorum.

Deputy Supervisor Cornell expressed that Supervisor Keeley could not attend the meeting due to a serious medical issue with his stepfather in California.

The Town Board adjourned to Executive Session.

The Town Board reconvened at 7:00PM



Public Comments

Mr. Matt Milne from the Strength & Leadership Class of Portville Central School gave a presentation on the proposed continuation of the Allegany River Trail from Olean into Portville. He addressed how this would benefit the community financially, recreationally, and builds a link to connect the community, schools, businesses, and other local attractions together.

April 16, 2008 Minutes Review

The minutes of the April 16, 2008 Town Board meeting were reviewed and a motion to approve was made by Councilperson Stern, seconded by Councilperson Batt and approved by the Town Board. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES) MOTION CARRIED 4-YES 0-NO

Department Reports

The following monthly department reports were given:

- Town Clerk
- Town Justice
- Highway Department
- Assessor
- Building Department
- Dog Control Officer
- Planning Board
- Board of Assessment Review

A motion was made by Councilperson Woodhead, seconded by Councilperson Stern and approved by the Town Board to accept the Department Reports as given. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES). Batt (YES) MOTION CARRIED 4-YES 0-NO

New Business

Agenda Item #1: FINACIAL UPDATE

Deputy Supervisor Cornell gave an update regarding the Town's balance sheet, expenses, and earned interest.

(Refer to attachment accompanying these minutes)



Agenda Item #2: LOCAL LAW 5 2008

A public hearing was held to consider the adopting the “First-Time Homebuyer Exemption Law” which is a local implementation of Section 457 of the Real Property Tax Law.

(Refer to attachment Local Law 5 2008 accompanying these minutes)

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to adopt Local Law 5 2008. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES). MOTION CARRIED 4-YES 0-NO

Agenda Item #3: DAN MARTONIS ASSESSOR CONTRACT

Deputy Supervisor Cornell and the Town Board reviewed the renewal contract for the period July 21, 2008 through January 31, 2009 between Dan Martonis and the Town of Portville.

(Refer to attachment accompanying these minutes)

A motion was made by Councilperson Batt, seconded by Councilperson Woodhead and approved by the Town Board to renew the contract between Dan Martonis and the Town of Portville. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES). MOTION CARRIED 4-YES 0-NO

Agenda Item #4: SUMMER HELP

Highway Superintendant Frost submitted a request to temporarily hire an individual for \$8 per hour, 40 hours per week for 12 weeks to commence immediately. Assurances were given to the board that this would provide a sufficient workforce to maintain the Haskell Cemetery while completing all other Highway Department projects scheduled during this time period.

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to hire temporary summer help. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES). MOTION CARRIED 4-YES 0-NO

Agenda Item #5 EQUIPMENT PURCHASE

Highway Superintendant Frost requested permission to purchase of a Cub Cadet M60 Mower with an upper limit price of \$6,300 and a mower trailer at an upper limit price of \$2,000. This equipment would be used to maintain local cemeteries and other Town mowing needs.

A motion was made by Councilperson Woodhead, seconded by Councilperson Batt and approved by the Town Board to purchase a mower and trailer within the limits prescribed. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES). MOTION CARRIED 4-YES 0-NO

Agenda Item #6 HIGHWAY SUPERINTENDENT SCHOOL

Highway Superintendent Frost asked the Boards' permission to attend three (3) days of training in Ithaca, NY June 2, 3, 4, 2008.

A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to send Superintendent Frost to training. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES). MOTION CARRIED 4-YES 0-NO

Agenda Item #7 EXPENSE REVIEW

A review and discussion took place regarding filed expenses and monthly vouchers. A motion was made by Councilperson Stern, seconded by Councilperson Batt and approved by the Town Board to approve for payment the April 2008 monthly bills. VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES) MOTION CARRIED 4-YES 0-NO



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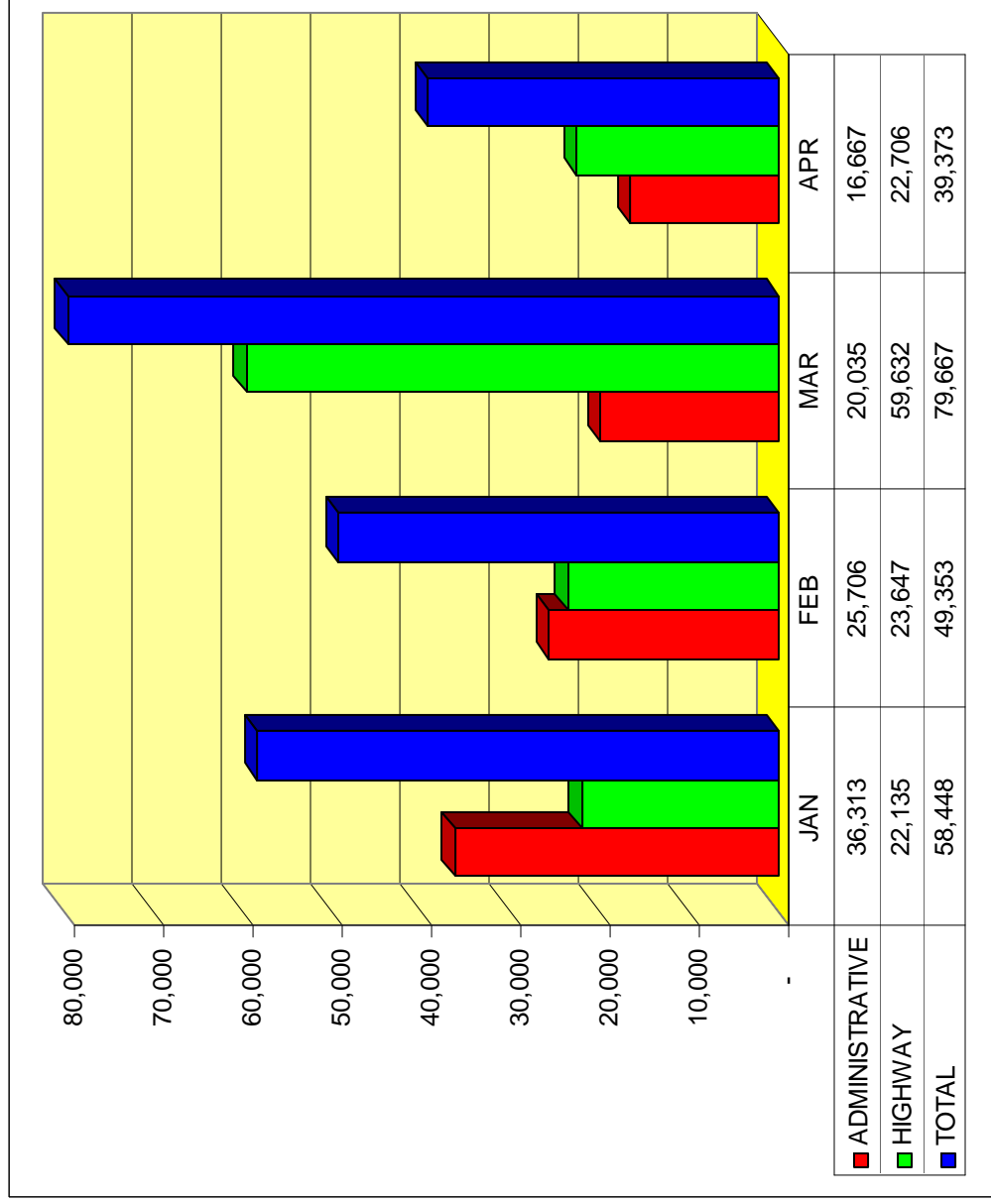
Adjournment

Being there was no further business a motion to adjourn at 8:00PM was made by Councilperson Batt, seconded by Councilperson Stern and approved by the Town Board.
VOTE: Keeley (absent), Cornell (YES), Stern (YES), Woodhead (YES), Batt (YES).
MOTION CARRIED 4-YES 0-NO.

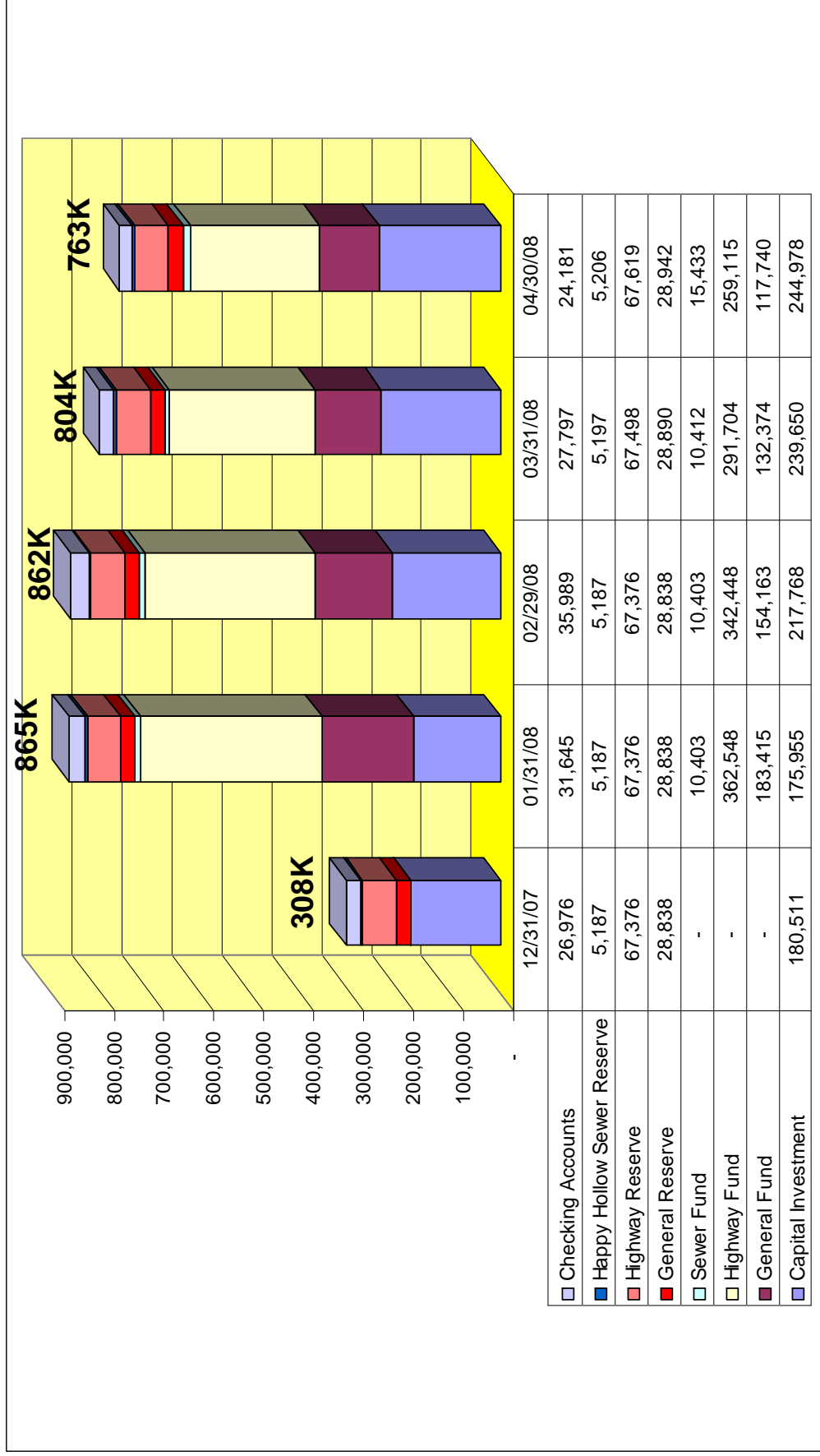
Respectfully submitted and signed,

James Parks
Town Clerk
Town of Portville, New York

Monthly Operating Expense



Month-Ending Cash Asset Balance Sheet



Interest Earned – April, 2008

	Interest Paid	Average Daily Balance	Annual Percentage Rate
MBIA NYCLASS			
Highway Reserve	121.84	56,564	2.58%
General Reserve	52.16	24,210	2.59%
Sewer District Reserve	9.39	4,355	2.59%
General Fund	113.85	57,749	2.37%
Highway Fund	243.72	123,542	2.37%
Sewer District Fund	8.62	4,364	2.37%
Investment Fund	932.75	414,845	2.70%
Total	1,482.33	685,629	2.59%
COMMUNITY BANK, NA			
General and Highway Fund	1.29	9,911	0.16%
Happy Hollow Sewer District	0.62	3,261	0.23%
Town Clerk	-	295	0%
Town Justice (Hale)	-	6,112	0%
Town Justice (Piaggi)	-	5	0%
DEC License Fees	-	1	0%
Trust And Agency	-	7,045	0%
Total	1.91	26,631	0.09%
Grand Total	1,484.24	712,260	2.50%



TOWN OF PORTVILLE, NEW YORK

TOWN OF PORTVILLE, NEW YORK LOCAL LAW 5 2008 THE FIRST-TIME HOMEBUYER EXEMPTION LAW ADOPTION OF REAL PROPERTY TAX LAW SECTION 457

Be it enacted by the Town Board of the Town of Portville as follows:

I. Authorization for Exemption

This local law, using Section 457 of the Real Property Tax Law, authorizes a partial exemption from real property taxation for “newly constructed homes” purchased by “first-time homebuyers” on or after the effective date of this law.

II. Colloquial Name of Law

The colloquial name of this local law, which is a Town of Portville adoption and implementation of Section 457 of the Real Property Tax Law, shall be “The First-Time Homebuyer Exemption Law.”

III. Eligibility for Exemption

There are three elements which must be met to be eligible for this exemption: 1) qualifying as a first-time homebuyer; 2) having a qualifying property; and 3) meeting the income and purchase price criteria of SONYMA.

Qualifying As A First-Time Homebuyer

The definition of a “first-time homebuyer” is any person and his/her spouse who: a) have not owned a primary residential property during the previous three years; and b) do not own a vacation or investment home regardless of location inside or outside of the United States of America.

Having A Qualifying Property

A qualifying property in the recorded name(s) of the property owner(s) must: a) be a “newly constructed home” that is a one- or two-family residence, townhouse or condominium, which was constructed after November 28, 2001, is to be owner-occupied, and was not previously occupied to which the entirety of its purchase price shall be eligible for exemption up to the limits provided by this law; or b) be a \$3,000 or greater cost renovation or remodeling of an existing home for which a building permit was issued within 90 days of the recorded purchase date of property by property owner(s) and a certificate of occupancy was subsequently issued to which the eligible exemption shall be determined and applied in accordance with the provisions of Real Property Tax Law Section 457.

Meeting The Income And Purchase Price Criteria Of SONYMA

Wherein “income” shall be defined as the “adjusted gross income on the most recent Federal income tax return(s) provided to the assessor” of the property owner(s) and their resident spouse(s), the total combined incomes of all owners and their resident spouses, of the property to which this exemption shall apply, shall not



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exceed the “State of New York Mortgage Agency (SONYMA) Low Interest Rate Mortgage Program non-target, one and two person household category for Cattaraugus County”.

The purchase price of the property including any renovation or remodeling costs, of the property to which this exemption shall apply, shall not exceed by more than 25% of the limit set by the “State of New York Mortgage Agency (SONYMA) Low Interest Rate Mortgage Program one family, new, non-target, or one family, existing, non-target for Cattaraugus County”.

IV. SCOPE AND DURATION OF EXEMPTION

The exemption, if authorized, lasts for a maximum term of five years, beginning at fifty percent in the first year and declining to ten percent in the fifth and final year. This exemption applies to taxes and special ad valorem levies. This exemption does not apply to special assessments. This exemption applies only to homes purchased or contracted for before December 31, 2010.

V. FILING APPLICATION

Application for exemption (RP-457) must be filed with the town assessor.

VI. TIME OF FILING APPLICATION

The application for exemption (RP-457) must be filed in the assessor’s office on or before March 1st. Once the exemption has been granted, it is not necessary to reapply for the exemption after the initial year in order for the exemption to continue. There is no need to reapply in subsequent years, but, if the property ceases to be used primarily for residential purposes, or if the property is a single-family residence and any portion is leased, or if title to the property is transferred to persons other than the heirs or distributees of the owner, the exemption is terminated.

VII. Effective Date

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

Exhibit A

SONYMA Low Interest Rate Mortgage Program*

Income and Purchase Price Limits

Effective Date: March 24, 2008 and Continuing Until Further Notice

SONYMA REGION	COUNTY	INCOME LIMITS						PURCHASE PRICE LIMITS											
		Household Size		3 + Person**		New*** & Existing		1 Family			2 Family			3 Family Existing			4 Family Existing		
		Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target	Non-Target	Target
I BUFFALO	Cattaraugus	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Chautauqua	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Erie	\$65,300	\$78,360	\$75,095	\$91,420	\$247,560	\$302,580	\$247,560	\$302,580	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Niagara	\$65,300	\$78,360	\$75,095	\$91,420	\$247,560	\$302,580	\$247,560	\$302,580	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
II ROCHESTER	Genesee	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Livingston	\$65,300	\$78,360	\$75,095	\$91,420	\$241,870	\$295,620	\$241,870	\$295,620	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Monroe	\$65,300	\$78,360	\$75,095	\$91,420	\$241,870	\$295,620	\$241,870	\$295,620	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Ontario	\$65,300	\$78,360	\$75,095	\$91,420	\$241,870	\$295,620	\$241,870	\$295,620	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Orleans	\$65,300	\$78,360	\$75,095	\$91,420	\$241,870	\$295,620	\$241,870	\$295,620	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Seneca	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Wayne	\$65,300	\$78,360	\$75,095	\$91,420	\$241,870	\$295,620	\$241,870	\$295,620	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Wyoming	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
Yates	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140					
III SYRACUSE	Cayuga	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Cortland	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Madison	\$65,300	\$78,360	\$75,095	\$91,420	\$253,120	\$309,370	\$253,120	\$309,370	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Onondaga	\$65,300	\$78,360	\$75,095	\$91,420	\$253,120	\$309,370	\$253,120	\$309,370	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Oswego	\$65,300	\$78,360	\$75,095	\$91,420	\$253,120	\$309,370	\$253,120	\$309,370	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
IV BINGHAMTON	Allegany	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Broome	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Chemung	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Chenango	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Delaware	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Otsego	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Schuyler	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Steuben	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
Tioga	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140					
Tompkins	\$71,800	\$86,160	\$82,570	\$100,520	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140					
V MID-HUDSON	Columbia	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Dutchess	\$86,816	\$94,680	\$99,838	\$110,460	\$399,370	\$488,120	\$399,370	\$488,120	\$449,820	\$549,780	\$546,510	\$667,960	\$630,590	\$770,720				
	Greene	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
	Orange	\$86,816	\$94,680	\$99,838	\$110,460	\$399,370	\$488,120	\$399,370	\$488,120	\$449,820	\$549,780	\$546,510	\$667,960	\$630,590	\$770,720				
	Putnam	\$92,160	\$92,160	\$107,520	\$107,520	\$460,300	\$562,600	\$467,000	\$570,800	\$550,000	\$672,220	\$664,820	\$812,560	\$1,009,820					
	Sullivan	\$65,300	\$78,360	\$75,095	\$91,420	\$237,030	\$289,700	\$237,030	\$289,700	\$303,450	\$370,880	\$366,800	\$448,310	\$455,840	\$557,140				
Ulster	\$80,040	\$80,040	\$92,674	\$93,380	\$365,620	\$446,870	\$365,620	\$446,870	\$411,800	\$503,320	\$500,320	\$611,510	\$577,300	\$705,590					

The banner image shows a row of houses with green roofs and white siding. The text "TOWN OF PORTVILLE, NEW YORK" is overlaid in white on a dark green background at the bottom of the image.

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 of Acting Assessor by Town.

Town agrees that:

1. Acting Assessor shall be employed by Town for the period beginning July 21, 2008 and ending January 31, 2009.
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 \$0.42 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 August 1, 2008.
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 made available to all property owners the Cost Valuation Reports of all properties for the given assessment year, the Acting Assessor met each mandated milestone of the 2008 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 that in the view of the Town Board was fair, equitable and accurate as well as minimized gaps between market and assessed valuation.
4. Acting 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.
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 organizational meeting minutes of January 3, 2008 and any subsequent directives.

- 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 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.
- 10. 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.
- 11. 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

Date

Date