



# TOWN OF PORTVILLE, NEW YORK

DATE: September 16, 2009

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, Town Supervisor  
William Stern, Deputy Supervisor  
Gary Woodhead, Councilperson  
Charlene Van Dusen Councilperson  
Terri Batt, Councilperson  
Stuart Frost, Highway Superintendent  
James Parks, Town Clerk

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".

Town Supervisor Keeley welcomed everyone and asked the town board, and town clerk to introduce themselves. Five board members were present to satisfy a quorum.

## **Public Comments**

Jim Parks a resident of Barbertown Road asked of the Town Board and Superintendent Frost if it were feasible to improve the dirt section of Barbertown Road when the closing of I.A. Construction becomes finalized. In response the board stated this was possible because it would come under the CHIPS program reimbursing the Town for the cost of the upgrade.



## TOWN OF PORTVILLE, NEW YORK

### **August 19, 2009 and September 8, 2009 Minutes Review.**

The minutes of the August 19, 2009 and September 8, 2009 Town Board meeting minutes were reviewed and a motion to approve was made by Councilperson Batt and seconded by Councilperson Stern and approved by the Town Board.

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

### **Department Reports**

The following monthly department reports were given:

- Town Clerk
- Town Justice
- Highway Department
- Building Department
- Planning Board

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

### **New Business**

#### **Agenda Item #1 FINANCIAL UPDATE**

Supervisor Keeley gave an update regarding the town's balance sheet and expenses.

(Refer to attachment accompanying these minutes)

#### **Agenda Item #2 General Reassessment Grant Resolution RES-20090916.6**

A discussion was held on a proposal to perform a general reassessment in 2010 to achieve 100% equalization and subsequently be on an annual plan for 6 years and funded 90% by the NYS Department of State Efficiency Grant. A motion was made by Councilperson Van Dusen, seconded by Councilperson Batt and approved by the Town Board to adopt RES-20090916.6 a resolution to submit a government efficiency grant with five other towns and the county to do a general reassessment to achieve 100% equalization and be on an annual plan for 6 years with two major benefits that are an infinitely more



accurate property assessment and 90% cost avoidance. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO

(Refer to attachment accompanying these minutes)

**Agenda Item #3 Justice Court Audit Resolution RES-20090916.7**

The Town Board reviewed the Justice Court Audit for the calendar year 2008. A motion was made by Councilperson Stern, seconded by Councilperson Woodhead and approved by the Town Board to adopt RES-20090916.7 that ratifies the 2008 court audit and authorized its delivery to the Unified Court System. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO

(Refer to attachment accompanying these minutes)

**Agenda Item #4 Expense Review**

The Town Board reviewed and discussed the filed monthly expense vouchers. A motion was made by Councilperson Batt, seconded by Councilperson Van Dusen and approved by the Town Board to approve for payment the August 2009 monthly bills. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO

(Refer to attachment accompanying these minutes)

**Adjournment**

Being there was no further business a motion to adjourn at 8:27PM was made by Councilperson Stern, seconded by Councilperson Batt and approved by the Town Board. VOTE: Stern (YES), Woodhead (YES), Van Dusen (YES), Keeley (YES), Batt (YES) MOTION CARRIED 5-YES 0-NO

Respectfully submitted and signed,

James Parks  
Town Clerk  
Town of Portville, New York

TOWN OF PORTVILLE

September 15, 2009

MIBIA NYCLASS FUND BALANCE	01/31/2009	02/23/2009	03/18/2009	04/13/2009	05/15/2009	06/16/2009	07/14/2009	08/18/2009	09/15/2009	CY2009 YTD
A FUND - GENERAL TOWNWIDE	147,051.35	141,784.22	129,557.23	121,366.89	110,837.20	100,019.73	94,498.63	78,578.46	63,404.15	155,401
B FUND - GENERAL EXCLUDING VILLAGE	162,112.07	161,361.80	157,326.80	157,119.13	163,439.85	163,164.97	162,057.63	163,449.49	166,648.82	33,892
DA FUND - HIGHWAY TOWNWIDE	91,614.33	91,633.15	88,746.55	88,602.02	79,418.84	76,289.53	74,137.89	6,389.47	0.04	92,135
DB FUND - HIGHWAY EXCLUDING VILLAGE	272,188.41	261,383.26	228,420.07	212,693.84	190,152.98	167,623.84	136,611.30	94,159.98	49,159.12	241,948
A FUND - 0911 UFB	75,590.74	75,606.29	75,618.36	75,629.64	75,647.83	75,663.41	75,677.38	75,696.00	75,710.65	2,872
B FUND - 0911 UFB	30,847.48	30,853.83	30,858.75	30,863.38	30,870.82	30,877.13	30,882.84	30,890.43	30,896.35	1,545
DA FUND - 0911 UFB	5,858.63	5,859.84	5,860.76	5,861.62	5,863.02	5,864.22	5,865.31	5,866.75	5,867.87	9,338
DB FUND - 0911 UFB	44,005.48	44,014.54	44,021.54	44,028.07	44,038.69	44,047.77	44,055.96	44,066.83	44,075.35	9,338
LD-740 LIGHTING DISTRICT	14.11	2,176.05	2,016.90	1,860.66	1,861.01	1,733.21	1,597.97	1,463.21	1,226.28	8,01
LD-741 LIGHTING DISTRICT	428.43	4,966.92	4,648.16	4,369.11	4,370.16	4,143.06	3,902.67	3,662.86	3,530.45	8,01
SD-741 SEWER DIST BOND	-	9,339.46	9,340.96	9,342.33	9,344.52	8.01	8.01	8.01	8.01	9,809.05
SD-741 SEWER DIST MAINT FEES	6,645.78	6,647.17	6,648.25	6,649.27	8,226.25	8,228.05	8,482.17	9,807.09	284.76	284.76
LD-740 LIGHT DIST - 0911 UFB	284.76	284.76	284.76	284.76	284.76	284.76	284.76	284.76	284.76	506.37
LD-741 LIGHT DIST - 0911 UFB	506.33	506.37	506.37	506.37	506.37	506.37	506.37	506.37	506.37	11,351.55
SD-741 SEWER DIST MAINT 0911 UFB	9,964.63	11,335.60	11,337.40	11,339.06	11,341.86	11,344.26	11,346.43	11,349.31	11,351.55	462,478.82
	847,112.53	847,753.26	795,192.86	770,516.15	736,204.16	689,798.32	649,925.32	526,179.02	462,478.82	
<b>Operating Expenses</b>										
A FUND - GENERAL TOWNWIDE	28,655	15,378	21,082	14,396	15,736	19,996	12,822	20,416	6,920	155,401
B FUND - GENERAL EXCLUDING VILLAGE	2,389	4,733	4,853	4,458	5,516	1,790	5,160	4,108	864	33,892
DA FUND - HIGHWAY TOWNWIDE	420	2,901	158	9,203	3,145	2,165	67,754	6,390	-	92,135
DB FUND - HIGHWAY EXCLUDING VILLAGE	34,867	31,498	19,079	16,228	20,401	33,562	41,597	44,714	27,898	241,948
LD-740 LIGHTING DISTRICT	1,060	-	320	280	266	228	241	241	237	2,872
LD-741 LIGHTING DISTRICT	549	-	159	157	149	128	136	135	133	1,545
SD-741 SEWER DIST BOND	-	-	-	-	-	9,338	-	-	-	9,338
<b>CY2009</b>	<b>67,939</b>	<b>54,530</b>	<b>45,651</b>	<b>44,721</b>	<b>45,213</b>	<b>67,208</b>	<b>127,709</b>	<b>76,005</b>	<b>36,053</b>	<b>537,131</b>
CY2008	58,448	49,044	79,051	39,074	58,137	123,374	43,233	88,171	120,175	658,707
YEAR OVER YEAR VARIANCE	9,491	5,486	(33,400)	5,647	(12,924)	(56,166)	84,477	(12,167)	(84,122)	(93,678)
	16%	11%	-42%	14%	-22%	-46%	195%	-14%	-70%	-14%



# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20090916.6: Multiple Municipalities Collaborative General Assessment Grant Application, Conditions, and Funding**

**WHEREAS,** The Town of Portville and five other town municipalities of Cattaraugus County endeavor, within the same span of time, to take the necessary actions to achieve 100% equalization on an ongoing basis for not less than 6 years; and,

**WHEREAS,** The Town of Portville will direct that an assessment be performed on each and every property each year within that 6 year period in a manner that ensures compliance with the New York State Office of Real Property Services and that each and every property in the Town of Portville shall be reflective of true market value in each of those 6 years, hereinafter referred to as “annual plan”; and,

**WHEREAS,** The Town of Portville has been informed accurately by the County of Cattaraugus that the purpose of the Promoting Equity, Efficiency & Transparency grant, hereinafter referred to as “Grant”, is to provide technical assistance and competitive grants to two or more units of local government for the development of projects that will achieve savings and improve municipal efficiency through shared services; and,

**WHEREAS,** The town municipalities of Dayton, Little Valley, Lyndon, Napoli, New Albion, and Portville in Cattaraugus County have expressed interest in applying for the heretofore described Grant; and,

**WHEREAS,** The Grant, if awarded, would allow for the hiring of a contractual appraiser through the Cattaraugus County Real Property Office and any town municipality-specific locally contracted resources to provide revaluation and update work to the local municipalities participating in the heretofore Grant through an inter-municipality agreement, allowing for uniformity and sharing of services among the participants as a means for future uniform consolidation of assessing practices; and,

**WHEREAS,** The Town of Portville has been informed accurately by the County of Cattaraugus that such a pursuit of actions, culminating in the eligibility and execution of an annual plan, can have its cost of One Hundred Six Thousand Dollars (\$106,000) mitigated by 90% through grant funding available through the New York State Department of State for the Local Government Efficiency Grant Program; and,

**WHEREAS,** The Town of Portville participating in this Grant would be required to provide ten percent (10%) or Ten Thousand Six Hundred Dollars (\$10,600) of the funding of the overall cost, hereinafter referred to as “Matching Funds”; and,

**WHEREAS,** Each town municipality participating in this Grant shall fund their respective Matching Funds in their 2010 budget from either tax revenue, allocated funds, or unallocated fund balances in the A Fund; and,

**WHEREAS,** The Town of Portville request for funding for its town municipality in this Grant will be Ninety-Five Thousand Four Hundred Dollars (\$95,400); and,



## TOWN OF PORTVILLE, NEW YORK

**WHEREAS,** During the general assessment process to move towards 100% equalization, the County of Cattaraugus recognizes and will not interfere or attempt to influence of the actions, direction and decisions of the Town of Portville's Acting Assessor should said Acting Assessor independently determine that the preliminary roll prior to May 1<sup>st</sup> is incorrect and should not be adopted as the tentative roll.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

1. The Town of Portville acknowledges that the County of Cattaraugus will be the lead agency and applicant in the heretofore mentioned Grant; and,
2. The Town of Portville fully supports the County of Cattaraugus's efforts to obtain said Grant funding on behalf of the participating town municipalities; and,
3. The Town of Portville recognizes the County of Cattaraugus as the fiscal agency for said Grant; and,
4. The Supervisor for the Town of Portville is directed and authorized to apply as a co-application for Grant funding on behalf of the Town of Portville with the New York State Department of State under the terms heretofore described.

Approved this 16<sup>th</sup> day of September, 2009, 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

H.W. "Terry" Keeley  
Supervisor  
Town of Portville  
PO Box 630  
1102 Olean-Portville Road  
Portville, NY 14770



# TOWN OF PORTVILLE, NEW YORK

## **Resolution RES-20090916.7: 2008 Town of Portville Court Audit Ratification**

**WHEREAS,** The Unified Court System has requested the Town of Portville Board to ratify an audit package of all events and financial transactions performed by the Town of Portville court during the calendar year 2008; and,

**WHEREAS,** The Town of Portville court is operated, managed, and financial transactions independently performed exclusively by the town justices, Dan Hale and Christopher Piaggi, with administrative support rendered by the court clerk, Cheryl Howard; and,

**WHEREAS,** The Town of Portville legislative body, hereinafter referred to as "Town Board", does not have the authority to inspect for accuracy, authenticity, or verification any court records or its financial transactions; and,

**WHEREAS,** The town justices and court clerk have certified by their signatures the 2008 audit package prepared by them and presented to the Town Board is accurate.

**NOW, THEREFORE,** the Town Board of the Town of Portville resolves that:

1. The 2008 Town of Portville court audit package has been received; and,
2. The Town of Portville town clerk will deliver by mail within five days of this resolution to the Unified Court System a copy of the 2008 court audit package prepared by and certified by the town justices and court clerk along with a copy of this resolution.

Approved this 16<sup>th</sup> day of September, 2009, 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

**TOWN OF PORTVILLE**  
**Bills for Approval**

As of September 16, 2009

	Split	Credit	Amount
<b>Acme Business Machines</b>			
	1620.4 Rental, Maint & Security	57.12	57.12
Total Acme Business Machines		57.12	57.12
<b>Bernard Baldwin</b>			
	1710.4 Misc Expenses	63.80	63.80
Total Bernard Baldwin		63.80	63.80
<b>BlueCross BlueShield of WNY</b>			
	-SPLIT-	2,630.10	2,630.10
Total BlueCross BlueShield of WNY		2,630.10	2,630.10
<b>Brookline Machine Co Inc</b>			
	5130.4 Maintenance Expenses	447.39	447.39
Total Brookline Machine Co Inc		447.39	447.39
<b>Buffalo Crushed Stone</b>			
	5110.4 General Repairs, Contr.	326.58	326.58
	5110.4 General Repairs, Contr.	93.91	93.91
Total Buffalo Crushed Stone		420.49	420.49
<b>Cattaraugus Co Department of Public Works</b>			
	5110.4 General Repairs, Contr.	144.04	144.04
Total Cattaraugus Co Department of Public Works		144.04	144.04
<b>Cynthia Nupp</b>			
	1710.4 Misc Expenses	156.60	156.60
Total Cynthia Nupp		156.60	156.60
<b>Edward J. Bysiek, CPA</b>			
	1315.4 Personnel, Contractual	900.00	900.00
Total Edward J. Bysiek, CPA		900.00	900.00
<b>IA Construction Corporation</b>			
	5110.4 General Repairs, Contr.	309.88	309.88
Total IA Construction Corporation		309.88	309.88
<b>Lamb &amp; Webster</b>			
	5130.4 Maintenance Expenses	409.27	409.27
Total Lamb & Webster		409.27	409.27
<b>Martonis, Daniel</b>			
	1710.4 Misc Expenses	475.00	475.00
Total Martonis, Daniel		475.00	475.00

**TOWN OF PORTVILLE**  
**Bills for Approval**

As of September 16, 2009

	Split	Credit	Amount
<b>Midland Asphalt Materials Inc</b>			
	5110.4 General Repairs, Contr.	13,271.25	13,271.25
Total Midland Asphalt Materials Inc		13,271.25	13,271.25
<b>Monroe Tractor &amp; Implement Co</b>			
	5130.4 Maintenance Expenses	286.58	286.58
Total Monroe Tractor & Implement Co		286.58	286.58
<b>Petty Cash</b>			
	1620.4 Bldg, Contractual	94.03	94.03
Total Petty Cash		94.03	94.03
<b>Portville Concrete Products Inc</b>			
	5130.4 Maintenance Expenses	105.90	105.90
Total Portville Concrete Products Inc		105.90	105.90
<b>Portville Truck &amp; Auto Repair Inc</b>			
	5130.4 Maintenance Expenses	19.12	19.12
Total Portville Truck & Auto Repair Inc		19.12	19.12
<b>Rinker Oil Corp</b>			
	5130.4 Maintenance Expenses	1,010.94	1,010.94
Total Rinker Oil Corp		1,010.94	1,010.94
<b>Service Stores Park &amp; Shop</b>			
	1620.4 Bldg, Contractual	43.25	43.25
Total Service Stores Park & Shop		43.25	43.25
<b>Sisson's Chain Saw &amp; Stoves</b>			
	5130.4 Maintenance Expenses	23.90	23.90
Total Sisson's Chain Saw & Stoves		23.90	23.90
<b>Subcon Industries</b>			
	1620.4 Bldg, Contractual	5.25	5.25
Total Subcon Industries		5.25	5.25
<b>The Paper Factory</b>			
	1620.4 Bldg, Contractual	4.20	4.20
Total The Paper Factory		4.20	4.20
<b>The Times Herald</b>			
	2980.4 Training, Safety & Comm	33.49	33.49
Total The Times Herald		33.49	33.49

# TOWN OF PORTVILLE

## Bills for Approval

As of September 16, 2009

	<u>Split</u>	<u>Credit</u>	<u>Amount</u>
<b>Top Quality Products</b>			
	5130.4 Maintenance Expenses	132.50	132.50
Total Top Quality Products		<u>132.50</u>	<u>132.50</u>
<b>United Refining Company of Pennsylvania</b>			
	5130.4 Maintenance Expenses	417.86	417.86
Total United Refining Company of Pennsylvania		<u>417.86</u>	<u>417.86</u>
<b>US Postal Service</b>			
	1620.4 Bldg, Contractual	44.00	44.00
Total US Postal Service		<u>44.00</u>	<u>44.00</u>
<b>Valley Fab and Equipment</b>			
	5130.4 Maintenance Expenses	290.95	290.95
Total Valley Fab and Equipment		<u>290.95</u>	<u>290.95</u>
<b>West State Auto Parts LLC</b>			
	5130.4 Maintenance Expenses	123.71	123.71
Total West State Auto Parts LLC		<u>123.71</u>	<u>123.71</u>
<b>TOTAL</b>		<u><u>21,920.62</u></u>	<u><u>21,920.62</u></u>