

**TOWN OF PORTVILLE  
SPECIAL BOARD MEETING  
June 24th, 2020**

**\*This meeting was closed to the public due to the Covid-19 Pandemic**

**Pledge to Flag:** 5:02PM

**Present:** Tim Emley, Supervisor, Stuart Frost, Deputy Supervisor, David Suain, Councilman, Thomas Rowe, Councilman

**Absent:** Todd Johnson, Councilman

**RESOLUTION #9-2020 SUPPORTING PETITION FOR CREATION OF AN AT-GRADE CROSSING OF ROWE AVENUE**

**WHEREAS**, 212 Solar Development, LLC (“the Developer”) proposes to develop a solar electric system at 1414 Rowe Avenue on Tax Parcel No. 95.003-1-25.3 (“the Project”); and

**WHEREAS**, the Town of Portville desires to encourage the responsible use of lands within its bounds for the production of renewable energy and has provided Final Site Plan Approval of the Project; and

**WHEREAS**, Rowe Avenue ceases to be a public highway at its intersection with the southerly right-of-way line of the Western New York and Pennsylvania Railroad, LLC Buffalo Line (“WNYP”) and proceeds across the track to provide access to 1414 Row Avenue and other landlocked properties through a private, shared at-grade crossing; and

**WHEREAS**, WNYP has indicated to the Developer that access to the Project may not proceed through a private at-grade crossing agreement with WNYP; and

**WHEREAS**, the Town of Portville is interested in the fostering of business growth and job creation within the Town; and

**NOW, THEREFORE, BE IT RESOLVED THAT**

In accordance with New York State Railroad Law, Section 90, the Town of Portville seeks approval and coordination of the proposed public at-grade railroad crossing from the New York State Department of Transportation; and

The Town Supervisor shall be authorized to execute all necessary agreements or certifications on behalf of the Town of Portville with the New York State Department of Transportation; and

The Town Clerk shall forward a certified copy of this Resolution to the Commissioner, New York State Department of Transportation.

**Resolved:** Thomas Rowe

**Second:** Stuart Frost

**All Ayes**

**Motion to Adjourn Meeting:** 5:05PM

**Motion:** Thomas Rowe      **Second:** David Suain      **All Ayes**

**Respectfully Submitted,**

**Lora J. Weitzel, Town Clerk**