

Mayville, NY

Regular Meeting

February 14, 2024

Present: Supervisor Donald Emhardt, Councilmen Thomas Carlson, Kenneth Burnett, Al Akin, and Scott Cummings. Highway Superintendent, Terry Sanden, Town Clerk, Rebecca Luba, Deputy Clerk, Jess Emhardt, Code Enforcement Officers, Ken Shearer and Frank Watson, Town Attorney, Joel Seachrist

Others Present: Greg Bacon(Post Journal), Pierre Chagnon(County Legislator), Taylor West(CLWMA), Jane Conroe, Dawn Freeman, Tom & Julie Lescynski, Sharon Smead, Karen Engstrom, Mark Smith and Alan Bozer.

Supervisor Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Motion made by Councilman Al Akin to approve the minutes of January 10, 2024.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt - Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Councilman Scott Cummings – Aye

Councilman Alan Akin– Aye

Carried

Departmental Reports:

Town Clerk report for January submitted and on file. Monthly fees remitted totaled \$27,537.05 and disbursed as follows; Supervisor-A Fund: \$2,858.42, B Fund: \$100.00, Sewer User Fees-SS1 Fund: \$22,284.97, Sale of Water- SW3 Fund: \$2,189.41, NYS DEC license sales: \$47.25, NYS Animal Population Control program: \$67.00. NYS DOH Marriage License: \$90.00.

37 Record Requests were completed and 4 Marriage licenses issued. February dog license renewals mailed on 1/26/24 along with 2nd reminders and phones calls for all expired licensed.

Penalties posted for all unpaid balances for Water District 3 and Sewer District 1.

Penalty free period for the 2024 Town/County tax collection ended Feb 6th. Total collections and Deposits to date: \$10,583,647.66. Disbursements have been made to the Supervisor in accordance with the 2024 Tax Warrant. 1% penalty is now in effect through 2/29/24. 2nd Notices will be mailed by the end of February for all taxes remaining unpaid.

Assessor's report submitted and on file. The office is continuing their fieldwork for new construction and demolition projects, processing exemption renewals, and providing apportionments as needed.

Code/Zoning report submitted and filed. 12 Permits issued for the Town with project total of \$440,550.00 and 6 for the Village with project total of \$434,500.00. 31 Permits were closed for the Town totaling \$642,533.23.00 in project value and 5 for the Village totaling \$18,200.00 in project value.

The Town Zoning Board met with Wendell Engineering on Jan. 16th to review and discuss the proposed Battery Energy Storage Law. Sol Source is on the February meeting agenda to discuss revised plans for the solar project on Wright Rd.

Highway report was submitted and filed with the Town Clerk. The department lowed and sanded for 21 days. Completed chewing brush behind ditches. Cleaned up limbs and trees from windstorms and started cutting dead trees. Performed maintenance on equipment.

Due to employee safety concerns and increasing costs associated with Spring cleanup, the Department is looking to eliminate the curbside pickup and obtain roll offs for residents to transport and dispose of items at the highway barn. This has proven to be effective for several other Towns. The department is proposing to add Saturdays to the regular cleanup week and possibly a couple of evenings during the week. Last year, 124 tons of debris was picked up and removed costing a total of \$37,000.00 in fuel, equipment, labor and disposal fees. Even by adding the additional collection hours, the proposed change would cut costs by approximately \$20-25,000.00. Details will be worked out with the Clerk's office and notices will be mailed out to all residents with the proposed changes.

Public Comment (Non-Agenda Items):

Julie Lecsynski addressed the Board complimenting the Code Office for their productive assistance with the issues on Beaujean Rd. Dawn Freeman stated she had various pictures of the code issues on Beaujean Rd. and would submit them directly to the Code Enforcement Office.

Jane Conroe of the Chautauqua-Conewango Consortium, an advocacy organization protecting waters, addressed the Board and distributed a handout regarding various things that are misunderstood when it comes to lake health and herbicide treatment. Many of the plants found in the lake are native and serve a valuable role in the lake's ecosystem by providing food and cover for the fish, holding the bottom sediment in place and producing oxygen in the water. The consortium supports the Town in protecting these plants and deciding not to spend any more tax on unneeded maintenance.

Alan Bozer addressed the Board with his concerns on proposed changes to the spring cleanup for those residents that do not have the means to transport items for disposal. Councilman Carlson stated residents could contact the Highway Superintendent with any concerns.

Karen Engstrom referenced an article in the paper and commended the Board for their diligence and long-range assessment of the use of herbicides in the lake. The South basin is a good test of this. Recent information obtained from various fish and charter captains that watch the waters, indicated that areas where there are large amounts of seaweed, the lake is clear and the habitat is healthy. However, in the areas that have been treated with herbicides, this is not the case in which they have noticed an increase of blue-green algae and a noticeable decline in the habitat.

Agenda Items:

Assessment– Board of Assessment Review Appointment

A recommendation was received from the Assessor's office to appoint Brittany Mulkins to the Board of Assessment Review for a 5-year term.

Motion: made by Councilman Scott Cummings approving the appointment .

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Comprehensive Plan- Resolution for Consulting Services

WHEREAS, the Town of Chautauqua(Town) and Village of Mayville(Village) were awarded a grant in the amount of \$76,500.00 through the NYS Smart Growth Community Planning and Zoning Program for the development of a Joint Comprehensive Plan;

WHEREAS, in addition to the 10% match from the Village and Town, the Town of Chautauqua approved additional funds in their annual budget to assist in the plan's development.

WHEREAS, a steering committee was developed and approved by both the Town and Village to lead the project

WHEREAS, a Request For Proposals(RFP) was advertised for consulting services to assist in developing the plan

WHEREAS, the steering committee selected four(4) firms from the nine(9) submitted and conducted interviews on January 23, 2024

WHEREAS, it is the recommendation of the steering committee to contract with Pashek Planning for their services in developing the Joint Comprehensive Plan

NOW THEREFORE BE IT RESOLVED, that the Town of Chautauqua accepts the committee recommendation to hire Pashek Planning for consulting services

BE IT FURTHER RESOLVED, that the Town of Chautauqua board authorizes the Town Supervisor to execute the contract not to exceed \$109,818.00 and any other documents necessary to fulfill the agreement in accordance with grant requirements.

Motion: made by Councilman Al Akin to adopt the resolution as presented.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt - Nay
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Highway –Permission to Post Roads

Due to the milder weather, request was made by the Highway Superintendent to post roads.

Motion made by Councilman Thomas Carlson authorizing the Highway Superintendent to post the roads at his discretion.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Highway Building– Request to Submit RFP for Electrical Upgrades

Barton and Loguidice is requesting to solicit RFPs on behalf of the Town for the construction of electrical improvements to the Town’s highway garage. A draft was presented to the Board.

Motion: made by Councilman Thomas Carlson approving Barton and Loguidice to submit the RFP as submitted.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Culvert Assessment Project – Resolution to Submit RFP for Engineering

Resolution To Solicit Request for Engineering Proposals for Stream Culvert Assessment Project

WHEREAS, the Town of Chautauqua has been awarded a grant from the New York State Department of Environmental Conservation to complete the Town of Chautauqua Stream Culvert Assessments Project and has executed State Assistance Contract #T01459GG in the amount of \$30,000; and

WHEREAS, the Town now desires to hire a duly qualified Professional Services firm to perform the engineering work required to complete the Project in accordance with the NYS grant and wishes to solicit competitive proposals via a Request for Proposals; therefore be it

RESOLVED, that the Town of Chautauqua Board authorizes the issuance of a Request for Proposals, prepared in accordance with NYS grant contract #T01459GG, seeking engineering services for the Town of Chautauqua Stream Culvert Assessments Project.

Motion: made by Councilman Scott Cummings to adopt the resolution as presented

Second: Councilman Al Akin

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Starry Stonewort Control Project- Resolution to Submit Occupancy Tax Grant

Authorization to Apply for Funding from the Chautauqua County 2024 Occupancy Tax Grant Program for Lakes and Waterways for the Town of Chautauqua Starry Stonewort Control Project

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it including the Town of Chautauqua, but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Town and Chautauqua Lake and Watershed Management Alliance are partnering to complete an invasive species control project to address the infestation of invasive macroalgae starry stonewort near Prendergast Point in the Town that will have a positive impact on the environmental health of Chautauqua Lake along with its tourism and recreation industry; and

WHEREAS, the Town has secured the maximum amount of New York State Department of Environmental Conservation grant funds available to help perform the work, but funding gaps are projected to remain based on the scale of the problem and uncertainty surrounding the growth and spread of this invasive algae; and

WHEREAS, the Chautauqua County 2024 Occupancy Tax Grant Program for Lakes and Waterways offers a funding opportunity for the Project with no local match requirement and a maximum grant amount of \$50,000.00, and as a Member of the Alliance, the Town is entitled to lake and watershed-related grant application preparation services at no additional cost to the Town; therefore be it

RESOLVED, that the Town of Chautauqua Board authorizes a grant submission to the Chautauqua County 2024 Occupancy Tax Grant Program for Lakes and Waterways for the Town of Chautauqua Starry Stonewort Control Project, and if the grant application is successful, that the Supervisor is authorized to execute the grant contract, submit project documentation, and act in all matters related to Project and County funding assistance.

Motion: made by Councilman Thomas Carlson to adopt the resolution as submitted

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

CMB Gym Use – Chautauqua County Civil Service Exams

The County is requesting use of the CMB gymnasium to conduct civil service exams beginning March 2024. A draft agreement was presented to the Board for their review and consideration. Supervisor Emhardt stated the gym currently does not have a thermostat in which the Town would not be able to honor the section in the submitted agreement requesting to adjust the temperature as needed. After further discussion, the Board determined this should be rectified due to the wide use of the space and any improvement would benefit the community as a whole. Supervisor Emhardt will look in to obtaining quotes for a new HVAC system in the gym. However, it would not be completed by the agreement's start date of March 1, 2024. County Legislator, Pierre Chagnon, was present and stated he would relay the information.

Motion: made by Councilman Al Akin to accept the proposal submitted by the County authorizing the Town Supervisor to execute the agreement with the noted adjustment.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

New Hire –Town Bookkeeper

Supervisor Emhardt notified the Board that the Town’s bookkeeper position has been filled and is requesting the Board to set the pay rate at \$20/hr working one day per week.

Motion: made by Councilman Kenneth Burnett approving the recommended pay rate.

Second: Councilman Al Akin

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Public Sewer–Support for County Sewer Expansion

Supervisor Emhardt and Councilman Cummings met with the County to discuss extending public sewers on the Eastside of the lake that would affect properties within the Town of Chautauqua.

Motion: made by Councilman Scott Cummings to support the County in expanding public sewers to properties on the East side of the lake.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Proposed Water District –Order Calling Public Hearing

The Establishment of Water District No. 5 in the Town of Chautauqua, Chautauqua County, New York

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has duly caused to be prepared a map showing the boundaries of a proposed Water District No. 5 in said Town (hereinafter, the “Water District No. 5” or simply, the “District”), a general plan to serve said District, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan, and report, including an estimate of the cost, were prepared by Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the installation of approximately 28,000 linear feet of 4” and 8” water main, including original furnishings, equipment, machinery, apparatus, valves, hydrants, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is \$9,312,000; and

WHEREAS, the proposed method to be employed for financing such improvement is the issuance of serial bonds, and

WHEREAS, the Town intends to apply to other sources of low interest loan and grant funding that would reduce the local costs and the cost estimates, including from the Water Infrastructure Improvements Grants and Drinking Water State Revolving Fund administered by the New York State Environmental Facilities Corporation; and

WHEREAS, the estimated cost of said District to the typical one- or two-family home therein is estimated to be between \$1,144 and \$1,633 in the first year in which operation, maintenance, debt service, and other charges and expenses are to be paid, depending on the project's final grant and loan funding package, and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said capital project for said District and the establishment thereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal office hours; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said District and the improvements proposed therefore, all pursuant to Section 209-d of the Town Law; NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Chautauqua, Chautauqua County, New York, shall be held at the Chautauqua Community Building, 2 Academy Street, in Mayville, New York, in said Town, on the 13th day of March, 2024, at 7:15 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the increase and improvement of the Water District in said Town as described in the preambles hereof, to be known as to the Water District No. 5, and the improvements proposed therefor, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. It is hereby determined that all expenses of the Water District No. 5, including all Districts heretofore or hereafter established, shall be a charge against the entire area of said Water District No. 5, including said District hereinbefore described.

Section 3. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the Jamestown Post-Journal, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Motion made by Councilman Scott Cummings to adopt the resolution as presented setting the public hearing for Wednesday, March 13, 2024 at 7:15p.m.

Second: Councilman Al Akin

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Thomas Carlson – Aye
Councilman Al Akin – Aye

Councilman Kenneth Burnett – Aye
Carried
Non-Agenda Items:

Motion made by Councilman Al Akin to approve the vouchers as presented to the board for payment. Abstract #002, Voucher #018-095

Abstract # 002
Deposit of 1/08/2024 – 02/12/2024

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	109,695.12
B	GENERAL FUND- OUTSIDE VILLAGE	78,698.17
DA	HIGHWAY FUND – TOWNWIDE	48,409.30
DB	HIGHWAY FUND – OUTSIDE VILLAGE	9,764.48
H2	WATER DISTRICT 5- NEW DISTRICT	4,750.00
H4	WATER DISTRICT 2- SUPPLY/EXTENSION	20,974.62
H5	SEWER DISTRICT 1- NORTH EXTENSION	12,144.00
SL1	PT CHAUTAUQUA LIGHT DISTRICT	352.98
SL2	DEWITTVILLE LIGHTING DISTRICT	366.69
SL4	BAYBERRY LANDING LIGHTING DIST	23.53
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	278.00
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	7,126.69
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	21.02
Total:		292,735.61

Second: Councilman Scott Cummings
Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye
Carried

Motion made by Councilman Thomas Carlson to enter an executive session at 8:05p.m. to discuss a personnel matter. Code Enforcement Officers, Ken Shearer and Frank Watson were asked to be included.

Second: Councilman Scott Cummings
Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Thomas Carlson – Aye
Councilman Al Akin – Aye
Councilman Kenneth Burnett – Aye
Carried

Motion made by Councilman Thomas Carlson to close the executive session at 8:59 P.M. with no action of the Board.

Second: Councilman Al Akin
Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye
Councilman Thomas Carlson – Aye
Councilman Al Akin – Aye
Councilman Kenneth Burnett – Aye

Carried

Highway Purchase – New Loader

The Highway Superintendent presented the Board with a quotes for a new 2024 John Deere Loader from Five Star Equipment. Total purchase price is \$213,425.81 with trade-in for the current loader be offered at \$175,000.00.

Motion: made by Councilman Al Akin to approve the purchase of the new loader not to exceed \$38,425.81

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Motion made by Councilman Scott Cummings to adjourn the regular meeting at 9:07 P.M.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua