

**Mayville, NY**

**Regular Meeting**

**January 10, 2024**

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

**Absent:** Councilman Scott Cummings

**Others Present:** Pierre Chagnon(County Legislator), Mike Manning(Ramboll), Greg Bacon(Post Journal), Karen Engstrom, Mark Smith, Sharon Smead, Toby Hammond, Rebecca Magnuson, John Neal, Donna Kliever, Ryan Newel, Rick and Sandi Newell

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

**Motion** made by Councilman Thomas Carlson to approve the minutes of the regular meeting held 12/13/23 and organizational minutes of 12/29/23.

**Second:** Councilman Al Akin

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

**Carried**

**Departmental Reports:**

Town Clerk report for December submitted and on file. Monthly fees remitted totaled \$3,225.96; Dog License sales of \$243.00; Conservation sales of \$125.00, Building/Zoning fees of \$1,881.05, 2 Record Requests completed and 2 Marriage licenses were issued.

Quarterly billing for Water District 3 and Sewer District 1 was processed and mailed 12/28/23. January dog license renewals mailed along with 2<sup>nd</sup> reminders for all expired licenses. Collection for the 2024 Property Tax began January 8<sup>th</sup> and will be collected through February 6<sup>th</sup> penalty free. The office is continuing work with Chalifoux law on obtaining easements for the North Extension of Sewer District 1. End of year reports were completed and records have been filed in accord with the LGS-1 and transitioned to the new year. The Annual Clerk's report was copied to the Board. Town Clerk and Tax Collector records are ready for the annual committee audit.

Historian's Annual Report was submitted, filed with the Clerk's office and copied to the Board.

Assessor's report submitted and on file. The office is continuing fieldwork and receiving exemption renewals. With taxes bills being mailed, the office has been fielding phone calls and providing apportionments when needed.

Code Officer, Ken Shearer reported that the Code/Zoning Office issued 13 building permits for the Town with project values of \$388,500.00 and 6 permits for the Village with project values totaling \$27,900.00. A total of 44 permits were closed with project values of \$6,007,159.67.

The Zoning Board of Appeals had 1 hearing in December granting an area variance for a new single-family home. There are no scheduled cases for January.

Highway report was submitted and filed. Highway Superintendent reported installing new air compressor, cutting brush along the roads and ditches and plowing 8 times in December. The department read meters for the Chautauqua Shores Water District and located a water valve for a residence reported to have leaky service.

## **Committee Reports:**

Councilman Carlson updated the Board on the status of the Comprehensive plan. The committee selected 4 out of 9 proposals that were submitted for consulting services to be interviewed on January 23, 2024

### **Public Comment (Non-Agenda Items):**

Rebecca Magnuson, owner of She Sings Café, and contractor, Toby Hammond, addressed the Board with their complaint on the issuance of the building permit and handling of inspections during recent renovations to the café. A copy of the complaint was submitted to the Town Clerk for file.

John Neal, project manager for Empire Development, addressed the Board with complaints regarding the handling of their permit applications submitted to construct a new house and renovate existing structures on a property located in Dewittville. Letters were read from the architect working on the project as well as one from the homeowners, Mr. and Mrs. Dubois. Copies were submitted to the Town Clerk for file.

### **Agenda Items:**

#### **CMB Gym Use – Request for Spring Vendor Show**

A request was received from Sorena Gilkinson to hold an annual event in the Community Municipal Building's gymnasium on the last Saturday and Sunday in April. The event would host various vendors, raffles and food trucks. The proceeds will be used to further local community events, workshops and a community-based scholarship fund.

**Motion:** made by Councilman Al Akin approving the request

**Second:** Councilman Thomas Carlson

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

**Carried**

#### **Town Records – Annual Disposition Report**

The Clerk's office submitted the annual disposition report of Town records in accordance with the LGS-1. Records will be sent to Pirello Enterprises for disposal and certification of destruction.

**Motion:** made by Councilman Kenneth Burnett to approve the records listed for disposition

**Second:** Councilman Al Akin

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

**Carried**

#### **Sewer Dist. 1 North Extension- Resolution for BIL Grant Application**

**WHEREAS**, Sewer District 1 Extension 1 North was established on August 31, 2018 to extend public sewers to serve 90+/- homes with the installation of grinder pump/pressure sewer collection to being conveyed to the North Chautauqua Lake Sewer District wastewater treatment plant;

**WHEREAS**, in accordance with the requirements of the Bipartisan Infrastructure Law (BIL), the Town intends to submit an application to New York State Environmental Funding Corporation (NYSEFC) to procure grant funding in furtherance of the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes Ramboll to prepare and submit an application to the NYSEFC for BIL grant funding and all required supporting documentation for the SD-1-E1N project.

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

**Second:** Councilman Kenneth Burnett

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

**Carried**

### **Proposed Water District No. 5 – Boundary Review**

The Board discussed revising boundaries for the proposed water district serving residents between Chautauqua Institution and Village of Mayville. A map plan and report dated August 2023 outlined the proposed boundaries in which a public hearing was held September 13, 2023. Residents, who were in favor, petitioned the Board in July 2022 to create the district. Other residents in the area, having viable wells, were opposed. The Board will request a revision from the engineer looking into the feasibility of creating a benefit district within the original boundaries.

### **Non-Agenda Items:**

**Motion:** made by Councilman Kenneth Burnett to approve the Supervisor's report for December.

**Second:** Councilman Al Akin

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

**Carried**

**Motion** made by Councilman Al Akin to approve the vouchers as presented to the board for payment. Abstract #013, Voucher #762-832 and Abstract #001, Voucher #001-017

**Abstract # 013**  
**Deposit of 12/14/2023 – 01/8/2024**

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<b>Code</b>	<b>Fund</b>	<b>Amount</b>
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A	GENERAL FUND – TOWNWIDE	27,370.40
B	GENERAL FUND- OUTSIDE VILLAGE	10,786.65
DA	HIGHWAY FUND – TOWNWIDE	24,193.14
DB	HIGHWAY FUND – OUTSIDE VILLAGE	6,592.79
H2	CP WATER DISTRICT 5- LT HOUSE POINT	250.00
H4	CP WATER DISTRICT 2- SUPPLY/EXTENSION	589.50
H5	CP SEWER DISTRICT 1 – NORTH EXTENSION	75,254.00
H6	CP SEWER DISTRICT 1 – SOUTH EXTENSION	2,637.29
SL1	WATER DISTRICT 5 - PT CHAUTAUQUA	341.08
SL2	DEWITTVILLE LIGHTING DISTRICT	349.66
SL4	BAYBERRY LANDING LIGHTING DIST	22.30
SS1	SEWER DISTRICT 1	23,729.21
SW1	WATER DISTRICT 2	5,214.91

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**Total:** 177,330.93

**Abstract # 001**  
**Deposit of 12/25/2023 – 01/8/2024**

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	143,545.31
DA	HIGHWAY FUND – TOWNWIDE	13,967.52
SS1	SEWER DISTRICT 1	61,053.26
SW1	WATER DISTRICT 2	69,111.82
SW3	WATER DISTRICT 3 – CHAUTAUQUA SHORES	21.02
		<b>Total:</b> 287,698.93

**Second:** Councilman Thomas Carlson

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

**Carried**

**Motion** made by Councilman Thomas Carlson to adjourn the regular meeting at 7:44 P.M.

**Second:** Councilman Kenneth Burnett

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

**Carried**

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Rebecca Luba, RMC  
Town Clerk  
Town of Chautauqua