

Mayville, NY

Regular Meeting

February 14, 2022

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Al Akin, Thomas Carlson and Scott Cummings. Town Clerk, Rebecca Luba, Deputy Clerk, Jessica Emhardt, Zoning Clerk Elizabeth Steinbach, Highway Superintendent, Dan Thorsell and Town Attorney Joel Seachrist

Others Present: Matt Zarbo(Barton & Loguidice), Greg Bacon(Post-Journal), Legislator Marty Proctor, Mike Barnes, Roger Klossner and Karen Engstrom

Supervisor Donald 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 January 10, 2022 as presented.

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

Departmental Reports:

Town Clerk monthly report for January was submitted and filed. Collections totaled \$25,687.73 and disbursed as follows: Supervisor-General Fund: \$1,214.57, DB Fund: \$75.00, Sewer User Fees-SS1 Fund: \$23,096.77, Sale of Water- SW3 Fund: \$1,181.65, NYS DEC license sales: \$47.24, NYS Animal Population Control program: \$50.00. Record searches completed: 5

Penalty free period for tax collection ended February 4th, 2022. Second notices will be mailed out beginning of March for remaining unpaid taxes.

Assessor's report submitted and on file. The office is currently processing exemption renewals, providing apportionments when needed and continuing fieldwork for new construction and demolitions.

Zoning Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 12 building permits with project values of \$273,232.21 and 16 permits were closed with project values of \$1,491,529.20.

Highway reported on activities which included plowing and eliminating snow piles at intersections around the Town. Painted the workshop area and building a push blade for the excavator. Currently working with Dave Spann on a restoration project for Hartfield Cemetery.

Committees:

Building and Grounds

Councilman Carlson stated he met with the highway and Barton & Loguidice to discuss upgrades needed on the highway buildings and plans for a new structure. A proposal was submitted and will be discussed later on the agenda.

Code Enforcement

Councilman Cummings reported that the committee met with the code enforcement office for their annual review. Building permits are on the rise again. With the recent acquisition of the Village code enforcement, the office is working with the Village of Mayville on new procedures to ensure a smooth transition.

Police Department

Councilman Cummings reported that he and Councilman Akin have met with the Town's attorney and Chautauqua Institution to discuss the possibility of a Town police department. Another meeting is planned later this week.

Ramboll engineer, Mike Manning, submitted a status update report on the following projects:

Water District 2 Ground Water Supply

Atlantic Testing Labs (ATL) completed additional soil probes along transmission main route for district extension. Memo of Understanding is needed for well site access-pending land acquisition.

Administrative Order on Consent

Quarterly report was submitted January 27, 2022. Next report is due April 30, 2022.

Sewer Dist. 1 E1N Extension (Shorelands)

Formal application for NYSEFC funding is due March 1st. Draft application and backup provided with the WIAA Grant Application submitted November 2021.

Public Comment:

None.

Agenda Items:

Public Hearing- Local Law 1 of 2022-ReCodification Town Code

Notice for Local Law 1 of 2022 was published in the Jamestown Post-Journal on February 4, 2022. A copy of the law was presented to the Town Board on January 8, 2022 and made available for public inspection in the Town Clerk's office.

Motion made by Councilman Scott Cummings to open the public hearing at 7:10PM.

Second: Councilman Kenneth Burnett

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

Carried

Supervisor Emhardt reviewed local law 1 of 2022 which will update the current Town Code to include changes made to State law, current Town procedures and clear up wording throughout the code. The floor was opened for comment in which there was none.

Motion made by Councilman Thomas Carlson to close the public hearing at 7:12PM.

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

NOW, THEREFORE, BE IT RESOLVED that, after due consideration and deliberation, the Town Board of the Town of Chautauqua duly enacted local law 1 of 2022 and said local law and the Code adopted thereby shall be

in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted is entitled and described as follows:

LOCAL LAW NO. 1 -2022

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF CHAUTAUQUA INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF CHAUTAUQUA"

This local law:

- (1) States the legislative intent of the Town Board in adopting the Code.
- (2) Provides for the designation of the local laws, ordinances, and certain resolutions of the Town of Chautauqua as the "Code of the Town of Chautauqua."
- (3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.
- (4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.
- (5) Retains the meaning and intent of previously adopted legislation.
- (6) Provides for the filing of a copy of the Code in the Town Clerk's office.
- (7) Provides for certain changes in or additions to the Code.
- (8) Prescribes the manner in which amendments and new legislation are to be incorporated into the Code.
- (9) Requires that Code books be kept up to date.
- (10) Provides for the sale of Code books by the Town and the supplementation thereof.
- (11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- (12) Establishes severability provisions with respect to the Code generally.
- (13) Provides that the local law will be included in the Code as Chapter 1, Article I.

Motion made by Councilman Scott Cummings.

Second: Councilman Kenneth Burnett

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

Carried

Highway- Authorization to Spend Funds

Agreement to spend highway funds was submitted to the Board and passed for signatures.

Motion made by Councilman Thomas Carlson approving the agreement.

Second: Councilman Kenneth Burnett

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

Carried

Highway- Road Posting

Highway superintendent requested permission to post roads in the early part of March. A few logging jobs are being scheduled and he wants to make sure the recently resurfaced roads are protected.

Motion made by Councilman Scott Cummings to authorize the Highway Superintendent to post roads by March 1st and send notice to the Jamestown Post-Journal.

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

Carried

Highway- Department Upgrades

Matt Zarbo of Barton & Loguidice presented the Board with a proposal to provide engineering support for various upgrades to the existing highway department, including construction of a new building. The proposal for services would cover the design of the new facility and bidding services, existing facility electrical upgrades, environmental review, construction assistance and miscellaneous building improvement assistance.

Motion made by Councilman Scott Cummings to accept the proposal as submitted not to exceed \$50,000.00 and authorizes the Town Supervisor to execute the contract with Barton & Loguidice.

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

Carried

Highway- New Plow

Highway Superintendent presented the Board with a State bid for a new plow.

Motion made by Councilman Thomas Carlson to approve the bid submitted by Valley Fab and Equipment not to exceed the quote of \$14,622.25

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

Local Law Introduction- Highway Permits

A Local law was presented to the Board providing terms for the administration of Town Highways that would give the highway superintendent authority to grant permission for work proposed within the Town's right-of-way and issue applicable permits.

Motion made by Councilman Scott Cummings to set a public hearing for Local Law 2 of 2022 at the next regular board meeting on 3/14/22 at 7:10pm

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

Carried

Resolution -Town Court Audit

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town and Village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and entered into the minutes of the board's proceedings.

WHEREAS, an audit committee consisting of two board members conducted an audit of the 2021 court records on February 9, 2022.

WHEREAS, the records have been duly examined, and all fines collected in 2021 have been paid to the proper officials of the Town as required by law.

WHEREAS, a satisfactory report was submitted to the Town Board and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Board for the Town of Chautauqua acknowledges the completed audit report as submitted with no issues found

Motion made by Councilman Thomas Carlson to accept the resolution and audit as presented.

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

Town Clerk/Tax Collector -Audits

Councilman Akin reported that the annual audit for the Town Clerk and Tax Collector was completed by himself and Councilman Burnett on 02/09/22. Audit report was filed in the Clerk's office and copied to the Board. All records were found to be satisfactory.

Motion made by Councilman Scott Cummings to acknowledge and accept audits as presented.

Second: Councilman Thomas Carlson

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

Carried

Town Clerk/Tax Collector -Record Destruction Authorization

Record Destruction Report was submitted to the Board by the Town Clerk's office for the disposition of records dated 2011-2018 according to the LGS-1 records retention schedule.

Motion made by Councilman Al Akin to approve the destruction of records as presented and authorizes the Town Clerk to have said records destroyed by third-party vendor.

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

Public Hearing -Continuation of Hearing on Hartfield-Stockton Rd. Solar Project

Supervisor Emhardt stated the Board is still waiting on a revised site-plan showing new project setbacks as recommended by the Town's engineer reviewing the project. No action will be taken, and the public hearing will be continued at next month's regular meeting. The floor was then opened for public comment.

Karen Engstrom(Harvey) handed information to the Board and asked about the status of the Town's Solar law. Supervisor Emhardt stated that the Town already has a law in place and it is available on the Town's website. A paper copy can be requested through the Town Clerk's office. Ms. Engstrom stated she has yet to review this law but would like the Board to consider reviewing it to include the recycling of solar panels and require that all components are made in the United States. She expressed concern for the economic and environmental viability of the Town if this project was to proceed. The Board stated that these items have been reviewed Town's engineer and can be stipulated in the permit if granted.

Legal Opinion -Assessment Aide

The Assessor submitted a detailed report of the extra hours worked during the town-wide reassessment to support their request for reimbursement from the assessment aide received by the state.

Motion made by Councilman Scott Cummings to approve their request authorizing the additional aide received by the state to be disbursed according to the documentation submitted for extra hours worked.

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:

Resolution- Sewer District 1 Extension 1 North

Mike Manning, engineer for the Sewer District 1 Extension, emailed the Town attorney and Supervisor prior to the meeting stating that the grant application is requiring specific action by the Board selecting a Consulting Engineer for the project. Ramboll would like to continue in this role and submitted the following resolution authorizing the Town Supervisor to execute an amendment with Ramboll for the continuation of planning services.

TOWN OF CHAUTAUQUA SEWER DISTRICT 1 EXTENSION 1 NORTH AMENDMENT FOR ADDITIONAL PLANNING SERVICES FOR FUNDING

Whereas, The Town is proposing to extend public sewers to serve 90+/- homes within the existing Town of Chautauqua sewer district number 1 extension 1 North (SD-1-E1N).

Whereas, the Town retained Ramboll (f/k/a O'Brien & Gere) to perform preliminary engineering services in support of the project and executed an Agreement dated 2/12/2020 with Ramboll for such services.

Now, Therefore, Be It Resolved, that the Town Board hereby authorizes the Supervisor to execute an amendment to Ramboll's Agreement for additional planning services consisting of topographic survey,

geotechnical field investigations and preliminary engineering design in furtherance of the project to secure funding with a not-to-exceed value of \$50,000 and properly documented in a detailed proposal.

Motion made by Councilman Scott Cummings to approve the resolution as presented.

Second: Councilman Al Akin

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

Councilman Al Akin - Aye
Councilman Kenneth Burnett – Aye

Carried

Mandolin Ridge- Road and Water agreements

Revised agreements are still pending. Town Attorney will follow-up on these.

Dewittville Creek- sampling of sediment

Supervisor Emhardt updated the Board on the sediment sampling of Dewittville Creek that was conducted by SJB on February 2, 2022, to determine whether the mouth of the creek can be dredged. This project is part of the 2021 Chautauqua County Shared Services Plan in which the State will reimburse 100% of the savings incurred. A copy of the results were copied to the Board and filed in the Clerk's office.

The bookkeeper is currently working on the 2021 end of year financials. No Supervisor's Report.

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #002 Voucher #016-100

**ABSTRACT # 002
DEPOSIT OF 01/01/2022 - 02/28/2022**

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
A	GENERAL FUND - TOWNWIDE	88,679.82
B	GENERAL FUND - OUTSIDE VILLAGE	53,535.15
DA	HIGHWAY FUND - TOWNWIDE	51,679.01
DB	HIGHWAY FUND - OUTSIDE VILLAGE	14,832.09
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	336.78
SL2-	DEWITTVILLE LIGHTING DISTRICT	350.00
SL4-	BAYBERRY LANDING LIGHTING DIST	22.43
SS1-	CHAUT HEIGHTS SEWER DISTRICT	56,683.37
SW1-	CHAUT HEIGHTS WATER DISTRICT	69,951.17
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
Total:		336,090.84

Second: Councilman Kenneth Burnett

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

Councilman Al Akin – Aye
Councilman Kenneth Burnett – Aye

Carried

Executive Session

The Town's attorney requested an executive session based on attorney-client privilege.

Motion made by Councilman Thomas Carlson at 8:05pm to move to executive session with the Town Board and Town Attorney present to discuss a financial matter between the Town and undisclosed corporation. Town attorney will take minutes if any action is taken during session.

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

Executive Session Ended at 8:25- No action was taken

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:25 P.M.

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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua