

Mayville, NY

Regular Meeting

April 11, 2022

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Councilman, Thomas Carlson and Scott Cummings. Town Clerk, Rebecca Luba, Deputy Clerk, Jess Emhardt, Zoning Clerk, Elizabeth Steinbach and Highway Superintendent, Dan Thorsell

Absent: Councilman, Thomas Carlson

Others Present: Refer to sign-in sheet at end of minutes.

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

Motion made by Councilman, Scott Cummings to approve the March 14, 2022 minutes as presented.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Al Akin – Aye

Councilman Kenneth Burnett – Aye

Councilman Thomas Carlson- Absent

Carried

Departmental Reports:

Highway reported on activities for the month of March which included brooming roads, hauling in 1A stone for oil and stoning, removed old fuel tanks and replaced with new. Started taking plow equipment off ten wheelers and finished 2006 Sterling box and getting ready for paint.

Town Clerk's monthly report for March was submitted and filed. Collections totaled \$3,510.29 and disbursed as follows: Supervisor-A Fund: \$2,401.79, B Fund: \$100.00, SS1 Fund: \$411.09, NYS DEC license sales: \$451.41, NYS Animal Population Control program: \$146.00.

Town and County tax collection has ended. Final reports and disbursements have been submitted to the County tax office. Legal notice for Water Dist. 2 Extension mailed on 4/1/22 to 258 residents within proposed extension. Spring clean-up notices have been mailed. Town Clerk will be attending the annual State Conference for municipal clerks April 25-27, 2022. Local Government Conference is scheduled on June 9th at Houghton College. Registration forms have been distributed to staff.

Code/Zoning Office report was submitted and filed. There were 22 building permits issued in March with project values totaling \$5,672,769.00 and 8 Certificates of Completion with project values totaling \$673,278.00. The Zoning Board will have 2 hearings this month for variance requests.

Assessor's report was submitted and on file in the Clerk's office. Work is being completed for new construction and demolition. All properties will be valued for the May release of new assessments.

Committee Reports:

Policing Agreement- Councilman Cummings updated the Board on the status of a proposed policing agreement with Chautauqua Institution. The Institution has given verbal agreement. Next step will be to hold a meeting with the Institution, the Town and Sheriff's department to review

and issues and finalize the agreement. Once complete, it will be forwarded to the State Department of Justice for their approval.

Engineering- Mike Manning, engineer with Ramboll, submitted a meeting summary report on the well driller coordination meeting held on Feb. 22, 2022. Site location for the well is very wet and an access road will need to be developed. Drilling for the well could begin late May/early June. An application was submitted for a WIIA grant last November; results are still pending.

Public Comments:

Kris Martin requested the Board to consider a moratorium on green infrastructure for the Town to have time to develop stand-alone laws for wind energy, solar farms and energy storage facilities as most rural communities are unprepared for these types of facilities. Karen Engstrom submitted information to each board member regard local protections to consider with solar farms and encouraged them to review the Town's current solar law.

Agenda Items:

Highway-Surplus Equipment

Highway superintendent requested permission to sell the old 500 and 2,000-gallon fuel tanks that were just replaced on Auction International.

Motion made by Councilman, Al Akin to deem the old fuel tanks as surplus and further moved to authorize the Highway Superintendent sell them through Auction International.

Second: Councilman Scott Cummings

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

Carried

Appointment-Assessment Review Board

There is a new vacancy on the Board of Assessment Review due to a member moving out of state. The assessor's office has asked Ruth Nelson to complete their term ending September 2023. Ruth is a local realtor and filled in last year as a temporary board member for the Town-wide revaluation grievance hearings.

Motion made by Councilman, Scott Cummings to appoint Ruth Nelson to complete the term of 2 years.

Second: Councilman Kenneth Burnett

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

Carried

Grant Agreement- Chautauqua Lake & Watershed Management Alliance

The Town was awarded a grant in the amount of \$52,126.00 for the Mobitrac Shoreline Cleanup program. A grant agreement was presented and reviewed by the Board. Councilman Cummings requested a breakdown

Motion made by Councilman Scott Cummings to accept the grant and authorizes the Town Supervisor to execute the agreement as presented.

Second: Councilman Al Akin

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

Carried

Public Hearing- Water District 2 Extension South

Notice for public hearing was advertised in the Jamestown Post-Journal on April 1, 2022 and on the Town's website. A copy of the notice and extension map was mailed to all property owners within proposed extension.

Motion made by Councilman Scott Cummings to open the public hearing at 7:15pm.

Second: Councilman Kenneth Burnett

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

Carried

Supervisor Emhardt opened explaining the reason for the extension. The water plant for Water District 2 is under an order of consent from the Environmental Protection Agency(EPA) to either upgrade the existing facilities or locate another water source. An engineering study found that upgrading the existing facilities would cost more than what the NYS Comptroller will permit so the only recourse for the Town was to find an alternate water source. After a few test sites, the Town was able to procure a place outside of the current district to drill two(2) wells. For these wells to service the district, the boundaries will have to be increased creating a benefit district. This benefit district would now be able to have fire hydrants installed lowering the current fire insurance rating from 9 to 6. It would also offer the availability of public water if needed. The original plan was to extend the current district to the well site only. The County Health Department contacted the Town requesting the extension to include the two(2) campgrounds located South of the site.

The floor was then opened to the public and Board for comment.

Residents in attendance questioned whether the new wells would affect the current wells already established or the creek. Mike Manning, engineer for Ramboll, clarified that only one well will be in operation at a time. Two wells are needed in the event something was to happen to the first. Other wells in the area should not be affected. Once the well is operational, a draw down test will be conducted to confirm this. The Department of Environmental Conservation (DEC) was notified during the SEQRA review process and submitted their recommendations and support. Mr. Manning also addressed the public's concerns of possible groundwater containments by explaining the treatment process for commercial water.

Concern was made that residents would be forced to abandon their wells. Supervisor Emhardt stated that this extension does not currently provide for any new hook-ups. This would be a

‘benefit’ district in which fire hydrants will be installed and residents would have access to hook up to the public water supply available if needed.

Motion made by Councilman Scott Cummings to close the public hearing at 8:22pm.

Second: Councilman Kenneth Burnett

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

Carried

Resolution - Town of Chautauqua Water District No. 2 South Extension

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 extension of Water District No. 2 in said Town (hereinafter, “Water District No. 2” or simply, the “District”), a general plan to drill new wells for and make some improvements to the said District, and a report of the proposed method of financing and operation thereof; and

WHEREAS, after the said map, plan and report was filed in the office of the Town Clerk of the Town of Chautauqua, the said Town Board did, on March 14, 2022, duly adopt an order reciting a description of the proposed extended boundaries, that the implementation of improvements within the Extension area was contingent on the receipt of grants and no-interest financing and would be charged on a benefit basis, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Chautauqua Community Building, 2 Academy Street, Mayville, New York on the 11th day of April, 2022, for the purpose of conducting a public hearing on the proposed extension of the district boundaries and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Chautauqua, in the County of Chautauqua, that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed extended district boundaries are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed extended district boundaries.
- (4) It is in the public interest to extend the district as hereinafter described, and be it

FURTHER RESOLVED that the Town Board does hereby approve the extension of the Town of Chautauqua Water District No. 2 to include the area described by the following boundaries:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Chautauqua, County of Chautauqua and State of New York being part of the Holland Land Company's Survey bounded and described as follows;

BEGINNING at the centerline intersection between East Lake Road, (N.Y.S. Highway No. 430) and the centerline of Leet Avenue;

THENCE North 25°-03'-09" West along the centerline of said East Lake Road, a distance of 2,250± feet;

THENCE North 64°-50'-32" East, a distance of 500± feet;

THENCE South 25°-03'-09" East, parallel with said East Lake Road and distant 500± feet northeasterly therefrom, a distance of 2105± feet;

THENCE South 57°-30'-34" East, a distance of 1,246± feet;

THENCE South 88°-49'-52" East, parallel with the centerline of Springbrook Road, (County Highway No. 52) and distant 500± feet northerly therefrom, a distance of 7,324± feet to the easterly line of Great Lot 12. Township 3, Range 13 of the said Holland Land Company's Survey, also being the division line between the easterly boundary of the Town of Chautauqua and the westerly boundary of the Town of Ellery;

THENCE South 01°-00'-49" West, along said east line of Great Lot 12 and further said Town boundary, further continuing southerly along the easterly line of Great Lot 11 in said Township and Range, a distance of 4,487± feet to the southeast corner of said Great Lot 11 and the centerline of Thum Road;

THENCE North 89°-08'-33" West along the southerly line of Great Lot 11 and the centerline of Thum Road and further continuing westerly along the southerly line of Great Lot 14 in said Township and Range, a distance of 3,632± feet to the edge of water along Chautauqua Lake; THENCE continuing in a general north-northwest direction along the edge of water of Chautauqua Lake, a distance of 12,833± feet to the approximate intersection between said edge of water and the northerly line of lands now or formerly deeded to Forty 4 Shore, LLC recorded in the Chautauqua County Clerk's office in Liber 2020 of deeds at page 3662, also being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the north;

THENCE South 89°-24'-06" East along said northerly line of Liber 2020, page 3662 and said Water District Number 2 boundary limit, a distance of 136.4± feet to an angle point in the north line of said Liber 2020, Page 3662;

THENCE South 53°-53'-49" East along the northerly line of said Liber 2020, Page 3662 and said Water District Number 2 boundary limit, a distance of 106.4± feet to an angle point in the north line of said Liber 2020, Page 3662;

THENCE North 86°-18'-18" East along the northerly line of said Liber 2020, Page 3662 and said Water District Number 2 southerly boundary limit, a distance of 62.5± feet to the northeast corner of said Liber 2020, Page 3662, also being located on the easterly line of lands now or formerly deeded to Snider-Chautauqua, LLC, recorded in the Chautauqua County Clerk's office in Liber 2518 of deeds at page 989, further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the west;

THENCE North 03°-41'-42" West along the easterly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2

Service Area located to the west, a distance of 300± feet to the northwest corner of said Liber 2518, Page 989;

THENCE North 41°-18'-18" East along the most northerly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the north, a distance of 115± to an angle point in the most north line of Liber 2518, page 989;

THENCE North 86°-18'-19" East along the most northerly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the north, a distance 120± feet to the northeast corner of said Liber 2518, Page 989;

THENCE South 24°-35'-12" East along the most easterly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance of 144.4± feet to an angle point in the easterly line of said Liber 2518, page 989;

THENCE South 77°-17'-47" West along a northerly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east;

THENCE South 21°-27'-00" East along an easterly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance of 438± feet to the southeast corner of said Liber 2518, Page 989;

THENCE South 87°-53'-10" West along the southerly line of said Liber 2518, Page 989, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance 17± feet to the approximate centerline of Lookout Avenue;

THENCE South 18°-05'-49" East along the said approximate centerline of Lookout Avenue, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance of 674± feet to the northerly line of lands now or formerly deeded to Francis Clark, recorded in the Chautauqua County Clerk's office in Liber 2399 of deeds at page 899 extended westerly to said centerline, further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east;

THENCE North 75°-14'-21" East along the north line of said Liber 2399, Page 899, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the north, a distance of 125± feet to the northeast corner of said Liber 2399, Page 899;

THENCE South 20°-26'-07" East along the easterly line of said Liber 2399, Page 899, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance of 38± feet to an angle point in the easterly line of said Liber 2399, Page 899;

THENCE South 37°-55'-09" East along the easterly line of said Liber 2399, Page 899, said line further being the established boundary limit of the Town of Chautauqua Water District Number 2 Service Area located to the east, a distance of 133± feet to the southeast corner of said Liber 2399, Page 899;

THENCE North 77°-17'-09" East, a distance of 72± feet to the approximate centerline of said Leet Avenue;

THENCE in a general North and Northeasterly direction along the approximate centerline of said Leet Avenue, a distance of 924± feet to the POINT or PLACE of BEGINNING, containing 750 Acres of land, more or less. and be it

FURTHER RESOLVED, that future improvements in said extended district shall be funded by an assessment charged against the properties benefited on a benefit basis, offset by any funds received from grants and no-interest financing; and be it

FURTHER RESOLVED, upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Water District No. 2 as extended in the Town of Chautauqua, Chautauqua County, New York, consisting of the installation of two (2) groundwater wells in the hamlet of Dewittville; construction of a support building of approximately 900 square feet to house pressure filters, water softening equipment, chlorination equipment, exterior clear wells, and electrical/instrumentation systems; approximately 14,200 linear feet of 8-inch diameter pipeline; tee connections and valving for future extensions; and including original furnishings, equipment, machinery, apparatus, valves, hydrants, appurtenances, and incidental improvements; and be it

FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law, and the Town Clerk is hereby authorized to post and publish notice of the adoption of this resolution in the manner provided by law.

Motion made by Supervisor Don Emhardt to approve the resolution extending the district as presented.

Second: Councilman Kenneth Burnett

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

Carried

Comprehensive Plan- Presentation by Barton & Loguidice

A presentation was given to the Board on the Comprehensive Plan by Matt Zarbo and Grace Desantis. A comprehensive plan is not required but it does promote health, safety and welfare for the community. The plan is usually broad in scope but can be a guide to identify a municipalities goals and priorities. There are grants available for planning a comprehensive plan. The Village of Mayville is considering a plan and can be done in conjunction with the Town.

Supervisor Emhardt stated that the Town attempted one before, but the community input stopped and it was never completed.

Motion made by Councilman Scott Cummings in favor of working on a comprehensive plan contingent upon the Village of Mayville agreeing to work with the Town and obtain grant funding for the project.

Second: Councilman Al Akin

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

Carried

Supervisor's reports

Motion made by Councilman Scott Cummings to approve the Supervisor report for March as presented.

Second: Councilman Kenneth Burnett

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

Carried

Vouchers

Motion made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #004, Voucher # 175-251

Abstract # 004 Summary by Fund

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND - TOWNWIDE	12,361.54	55,724.78	68,086.32
B	GENERAL FUND - OUTSIDE VILLAGE		635.00	635.00
DA	HIGHWAY FUND - TOWNWIDE	14,397.91	20,313.01	34,710.92
DB	HIGHWAY FUND - OUTSIDE VILLAGE		21,693.42	21,693.42
SL1-	PT CHAUTAUQUA LIGHTING DISTRIC		331.28	331.28
SL2-	DEWITTVILLE LIGHTING DISTRICT		339.63	339.63
SL4-	BAYBERRY LANDING LIGHTING DIST		21.56	21.56
SW1-	CHAUTAUQUA HEIGHTS WATER DISTR		5,047.35	5,047.35
SS1-	CHAUTAUQUA HEIGHTS SEWER DISTR		23,895.00	23,895.00
H2-	WD2 SOUTH EXTENSION		291.06	291.06
SW3-	WATER DISTRICT 3 CONTRACTUAL		14,693.24	14,693.24
Total:		26,759.45	142,985.33	169,744.78

Second: Councilman Al Akin

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

Carried

Motion made by Councilman Scott to adjourn the regular meeting at 9:00 P.M.

Second: Councilman Al Akin

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

Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua

TOWN OF CHAUTAUQUA
BOARD MEETING
SIGN-IN
Monday April 11, 2022

NAME	ADDRESS
Dennis Abrahamson	5903 Springbrook Rd Dewittville
Jim Strahl	5460 LAKE AVE DEWITTVILLE
JAMES BACKLUS	6068 ORCHARD DEWITTVILLE
Karen Eichelberger	5444 E Lake Rd, Dewittville
Shirley Butterfield	5254 E Lake Rd, " "
Sandra Kopera	6068 Floral Ave " "
MARK KOPERA	6068 FLORAL AVE " "
Karen Engstrom	5184 W Lake Rd Mayville
Fairlee Fischer	13W. Harmon St. Mayville
D.J. DOWNS	5483 MEADOWS RD
Peter P. Blossman	5137 Sunland ave Dewittville NY
Kick Sykes	Village of Mayville
Gail Desautels	B+L
MATT ZARBO	B&L
Mark Smith	16 Park side st. Mt.
MIKE MANWINGI	RANDOLL
TIM WENDELL	6083 OLD RT 17 DEWITTVILLE
MARTY PROCTOR	FINDLEY LAKE
Greg Bacon	Post 1 Jun 1 / 06 service
Susan Heitzmeyer	5423 Meadows Rd, Dewittville, NY
Kris Martin	6279 Lindberg Rd. Mayville
Jean Heitzmeyer	5423 Meadows Rd, Dewittville
JASON LEE DONATO	5437 E LAKE RD, DEWITTVILLE
Brenda L. Malarky	5505 East Lake Rd, Dewittville
HENRY MALARKY	5505 E LAKE RD DEWITTVILLE
JOE SEEBACH	6007 DIAMOND AVE DEWITTVILLE
DAN HICKS	6100 FLORAL AVE DEWITTVILLE