

Mayville, NY

Regular Meeting

February 8, 2023

Present: Supervisor Donald Emhardt, Councilmen Thomas Carlson, Kenneth Burnett, Al Akin, and Scott Cummings. Highway Superintendent, Dan Thorsell, Town Clerk, Rebecca Luba, Deputy Clerk, Jess Emhardt, Code Enforcement Officers, Jeff Paddock and Ken Shearer, Town Justice, Tim Hull and Town Attorney, Joel Seachrist

Others Present: Karen Engstrom, Greg Bacon(Post Journal), Mark Smith, Marty Proctor(County Legislator) and Kent Mathewson

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 11, 2023.

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 \$26,991.48; Dog License sales of \$485.00; Conservation sales of \$65.00, Building/Zoning fees of \$1,890.00, 11 Record Requests completed and 1 Marriage license issued.

Penalties posted for all unpaid water and sewer in Water District 3 and Sewer District 1.

Reminder notices mailed 2/3/23. February dog license renewals mailed on 1/27/23 along with 2nd reminders and phones calls made for all expired licensed.

Tax Collection continues. A total of \$9,163,333.73 has been collected and deposited.

Disbursements made to the Supervisor in accord with the Tax Warrant. 1% penalty is now in effect through 2/28/23. 2nd Notices will be mailed on February 17, 2023 for all unpaid 2023 taxes.

The Clerk's office is looking to work with local students on creating a living timeline on the walls of the hallway for the Town Offices. More information will be presented to the Board once a plan is achieved.

Assessor's report submitted and on file. The office is continuing fieldwork and processing exemption renewals and apportionments when needed.

Code/Zoning report submitted and filed. 13 Permits issued for the Town with project total of \$411,030.00 and 5 for the Village with project total of \$612,550.00. 15 Permits were closed for the Town totaling \$431,047.00 in project value and 3 for the Village at \$34,824.00 project value. There were no zoning hearing in January. There are 3 applications pending for February hearing that are waiting for more information from the applicants prior to confirming. The department will notify the committee when they are ready for their annual audit and review.

Highway report submitted and on file. The department is uploading ArcGIS to their new iPad which will assist in organizing the Town's road signs. Cut trees to widen Brodt Rd and work with Asplundh to cut trees in Point Chautauqua on Leet Ave.

JCC is offering Class C & D Water Operator classes May 9-11. The Department is looking to send 4 employees.

Committee Reports:

Comprehensive Plan Committee

Councilman Cummings updated the Board on the status of the Comprehensive plan. The first meeting with the steering committee was held on Tuesday, January 31st and was well attended. Mark Smith was voted to serve as co-Chair of the committee. Barton & Loguidice(B&L) will be at the next meeting scheduled for February 15, 2023 at 7pm to present the data that was gathered from the survey. An agenda will be posted on the Town and Village websites and open to the public. We are still waiting to hear from the State on the grant requirements to see if an RFQ will be required for hiring a consultant/engineer firm, before the committee can move any farther with the plan.

Lake Clean-Up

Councilman Carlson thanked Supervisor Emhardt for speaking up against the proposed taxing district for the Lake at a recent hearing conducted by the County's Chautauqua Lake Protection and Rehabilitation Agency in which the committee was dissolved. Supervisor Emhardt stated there is still a need for funding to maintain Chautauqua Lake. Requests submitted to CLWMA for lake maintenance totaled around \$3 million, with only \$650,000.00 in grants, leaving a large gap. Boat stickers were considered and estimated to bring in an additional \$750,000.00. Something has to be implemented to help fund the lake. The Alliance was put in place to manage the money for the lake, not implement the projects. They will be meeting later in the month to discuss this matter.

Water & Sewer

Supervisor Emhardt reported for the Water and Sewer Committee. The committee met Barton & Loguidice to discuss Water District 4 Extension and reviewed the properties within the proposed district and determined how many EDUs each would be charged. They also discussed where water could be obtained and what agreements would best serve the district.

Public Comment (Non-Agenda Items):

Karen Eichelberg distributed information to the Board with concerns for utility scale solar in Chautauqua County which included a letter from the Chautauqua County Farm Bureau regard agricultural land use, information from the IDA of Cattaraugus County's moratorium on utility solar and information on mining cobalt.

Agenda Items:

Highway Purchase – New Loader

The Highway Superintendent presented the Board with 3 quotes for a new track loader w/ snowblower from Milton CAT, John Deere and Southern Tier Trailer. The department plans to use CHIPs funds towards the purchase.

Motion: made by Councilman Al Akin to approve the purchase of a loader from Milton CAT not to exceed \$103,905.00

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

Councilman Carlson inquired about the priority list that was created for upgrades to the highway building. One of the items was to upgrade the electric to a 400amp, 3-phase service with a generator. If the power was to go out, the building would be ‘dead’ with no heat and no doors. After further discussion, the Board determined this could be done without hiring an engineer by breaking it down into two projects. Councilman Cummings inquired whether AARPA funds could be used. Supervisor Emhardt confirmed, stating it would qualify since the highway serves the whole Town.

Motion: made by Councilman Thomas Carlson to move forward on putting specs together for the service upgrade and new generator.

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

Agreement– Intermunicipal Agreement for Drum Roller

Revisions were made to an intermunicipal agreement with the Towns of Portland, Westfield and Ripley for a Drum Roller stating where the roller would be stored and maintained.

Motion: made by Councilman Scott Cummings to approve the agreement as amended.

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

CMB Lease Renewal – Mental Hygiene Offices

Current lease with Chautauqua County Mental Hygiene will be expiring March 31, 2023 and they wish to renew and have agreed to the increased rate.

Motion: made by Councilman Scott Cummings to approve the agreement and authorizes the Town Supervisor to execute the lease renewal as presented.

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

Sewer District 1 South Extension – Agreement with Municipal Solutions

A Request for Qualifications is required for the Engineering Planning Grant(EPG) received for the south extension of Sewer District 1. A proposal was presented to the Board by Municipal Solutions to assist in the process by providing preparation and coordination of the RFQ, management of EPG funds, financial consulting, bond assistance and provide guidance with State and Federal compliance.

Motion: made by Councilman Al Akin to accept the proposal and authorizes the Town Supervisor to execute the agreement as presented.

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

Water District 1- Water Supply Agreement

A water supply agreement from the Village of Mayville was presented and reviewed by the Board to continue supplying water for Water District No.1(Sandalwood). Agreement shall remain in effect until December 31, 2028.

Motion: made by Councilman Scott Cumming to accept the terms as presented and authorizes the Town Supervisor to execute the agreement.

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

Code Enforcement Officer– Inspection Officer

Supervisor Emhardt announced that the Code Enforcement Officer, Jeff Paddock, will be retiring this spring/summer. The Board discussed hiring another inspection officer to afford the department time to train. This is a competitive position and subject to civil service. Councilman Cummings has already contacted the County and found there currently is no one on the list of Inspection Officers so the position would have to be advertised. The HR Committee will work with the Code office to put the ad together.

Zoning Board Appointments- 2 Members and 2 Alternates

The Zoning Chairman, Troy Smith, submitted the following recommendations for the Zoning Board of Appeals:

Roberta Tenpas	-	Member, Renew for another 5-year term
Lewellyn J. Hurley	-	Member, New 5-year term
William Titus	-	1 st Alternate, 1-year term
Rick Larson	-	2 nd Alternate, 1-year term

Motion: made by Councilman Thomas Carlson to approve the recommendations as presented appointing the two members and two alternates.

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

Amendments to Solar Law– Set Public Hearing

The Board was presented with a local law amending the current solar law which would require a public hearing. These amendments would affect all current and new applications.

Motion: made by Councilman Al Akin to set public hearing for March 8, 2023 at 7:15P.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

Non-Agenda Items:

Moratorium for Commercial Solar

The Board discussed the current solar law with the Town Attorney to see if it would be in the Town's best interest to implement a moratorium on commercial solar while the law undergoes a thorough review and more information is obtained from the community through the Comprehensive Planning Committee. Attorney, Seachrist stated this would require another local law which the Board would have to have in front of them no less than 10 days before a public hearing could be held. This law could be drafted and distributed within the next day or two. This moratorium would not apply to any completed applications already submitted.

Motion: made by Councilman Al Akin to set public hearing for February 22, 2023 at 6:00P.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

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #002, Voucher #016-082

Abstract # 002
Deposit of 1/15/2023 – 02/15/2023

Code	Fund	Amount
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A	GENERAL FUND – TOWNWIDE	69,766.94
B	GENERAL FUND- OUTSIDE VILLAGE	50,000.00

DA	HIGHWAY FUND – TOWNWIDE	25,208.32
DB	HIGHWAY FUND – OUTSIDE VILLAGE	20,834.52
H2	WATER DISTRICT 4- EXTENSION	3,750.00
H3	SEWER DISTRICT 1- FORCE MAIN/PUMP STATION	8,630.00
H4	WATER DISTRICT 2- WELLS/EXTENSION	426.00
H5	SEWER DISTRICT 1- NORTH EXTENSION	2,802.50
SL1	PT CHAUTAUQUA LIGHT DISTRICT	346.06
SL2	DEWITTVILLE LIGHTING DISTRICT	358.95
SL4	BAYBERRY LANDING LIGHTING DIST	22.98
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	477.46
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	5,844.68
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	21.02

Total: 188,489.43

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

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:18 P.M.

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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua