

**Mayville, NY**

**Regular Meeting**

**May 09, 2022**

**Present:** Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Al Akin, Thomas Carlson and Scott Cummings. Highway Superintendent, Dan Thorsell, Town Justice, Tim Hull, Code/Zoning Clerk, Elizabeth Steinbach, Deputy Clerk, Jessica Emhardt and Town Clerk, Rebecca Luba

**Others Present:** Mike Manning(Ramboll), Greg Bacon(Post-Journal), Ronald Petrusha, Pam Smith, Scott Bradish, Tom Lippert, Karen Engstrom, Mark Smith, Richard Syper, Sharon Smead, Jeff and Sandra Wagner.

Residents addressed the Board before the meeting with concerns about the accumulation of sediment in Big Inlet creek making it difficult to access the lake. Supervisor Emhardt stated that the Town has been working with the Chautauqua Lake Watershed Management Alliance for the past 2 years implementing a plan to have all tributary canals within the North basin, including Big Inlet, will be dredged every 5-years. Each project must have a muscle survey and soil test conducted before the DEC will consider permitting. Once the fish spawning is done, the Town will be able to access this area with Mobitrac to clean up the floating debris. Chautauqua Lake Association will also have their barges out to collect larger debris items.

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 minutes as presented to the board for April 11, 2022.

**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**

**Public Comment:**

None

**Department Reports:**

Town Clerk report was submitted and filed. Fees collected for April totaled \$38,238.31 and disbursed as follows: Supervisor-A Fund: \$13,864.01 B Fund: \$100.00, SS1 Fund: \$16,339.14, SW1 Fund 7,749.32 NYS DEC license sales: \$28.34, NYS Animal Population Control program: \$90.00, Dept. of Health 67.50. 3 Marriage licenses were issued, and 14 record requests completed.

Notice for the adoption of resolution extending Water District 2 was published in the post-journal on 4/13/2022 with the 30-day referendum period expiring 4/16/22.

Dog license notices were mailed for all May renewals due. To simplify the licensing process, we are implementing a new fee structure to have all dog licenses follow the current rabies schedule. License fees will remain the same but will now be calculated for each year the rabies vaccination is valid.

Notice for a liquor license renewal was received by Andriaccio's restaurant on 5/2/2022.

Code/Zoning Office reported issuing 31 building permits with project values of \$1,986,177.00 and 15 permits were closed with project value totaling \$419,146.00. One variance is scheduled for 5/17/22 which was tabled from the April meeting.

Highway report submitted and on file. Replaced 15” x 40’ cross pipe on Brodt Rd. and replacing 15” x 40’ pipe on Lyon’s Rd. Hauled away 121 tons for Spring clean-up. Cleaned up wing digs and turn arounds from winter plowing and getting equipment serviced for spring/summer work.

Assessor’s report was submitted and on file. Valuation for new construction, demolition, and reviews requested property owners has been completed. Tentative roll was filed with the County on May 1, 2022 with a legal notice published in the Post Journal and a link posted on the Town’s website. Notices have been mailed to all property owners that had any change in their assessed valuation. Grievance Day will be held on May 25, 2022 by appointment at the Town of Chautauqua offices.

### **Committee Reports:**

#### **Town Police**

Councilman Cummings stated the committee is still waiting to hear back from Chautauqua Institution regarding the proposed agreement. Attorney Seachrist stated that their lawyer recently contacted him stating there were no substantiative changes, they are still considering it and will get back to us.

#### **Water and Sewer Projects**

Mike Manning submitted a project update on the Town’s current projects.

Groundwater Supply for Water District No. 2- Remaining geotechnical soil borings have been completed. Reviewed pipeline drawings with Town and currently working on the advanced design documents for the water treatment facility and pipeline for submission to regulatory agencies by 5/13/22. Project was not selected for the 2022 WIIA grant. Ramboll will work with the town in preparing the Consolidated Funding Application and resubmitting for the next round of WIIA grants. Well drilling activities will start 6/6/22. A Memo of Understanding is needed for access to the well site.

Administrative Order on Consent- Quarterly report was submitted on 4/12/22 to NYS Environmental Protection Agency. Next report is due July 31, 2022.

Sewer District 1 Extension 1 North- Project was selected for a 2022 WIIA grant and awarded \$803,250.00.

### **Agenda:**

#### **Resolution- Support for South Chautauqua Lake Sewer District Extension**

**WHEREAS**, Phase 1 of the extension of South Chautauqua Lake Sewer District (SCLSD) to the hamlet of Stow on the west side of Chautauqua Lake is currently under construction, and Phase 2 of the extension of SCLSD on the west side of Chautauqua Lake would proceed from the hamlet of Stow to the south boundary of North Chautauqua Lake Sewer District (NCLSD); and

**WHEREAS**, public sewer service along the northwestern shore of Chautauqua Lake will provide an environmentally sound alternative to the reliance on septic systems by area residents; and such service will also provide long-term public health benefit by protecting area water resources, including Chautauqua Lake, groundwater, and local streams and creeks; and

**WHEREAS**, the proposed Phase 2 extension project is eligible for the County to apply for state and federal grant monies including New York State DEC Water Quality Improvement Project (WQIP) and Environmental Facilities Corporation (EFC) Water Infrastructure Improvement Act (WIIA) grant funds, and is further eligible for the County to apply for a 30 year interest-free loan through EFC’s Clean Water State Revolving Fund program; and

**WHEREAS**, GHD Consulting Services, Inc., engineers licensed by the State of New York, have prepared a Map and Plan dated April 18, 2022, entitled “Westside Sewer Extension Phase 2” (Map and Plan) with a maximum amount to be spent of Twenty-four Million Dollars (\$24,000,000); and

**WHEREAS**, the Map and Plan proposes new facilities for the Phase 2 sewer extension of SCLSD that include the construction of a new low-pressure force main sewer system with approximately: 54,600 linear feet of new force main; 25,000 linear feet of service laterals; one sewage pumping station; two duplex pumping stations; 11 booster stations; and 250 grinder pumping stations; and

**WHEREAS**, the estimated cost to the typical property from assessments or other charges to be made by SCLSD within the proposed west side Phase 2 extension area upon equivalent dwelling units (EDUs) is a maximum of \$1,000 per year;

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Chautauqua Board hereby supports proceeding with the Phase 2 extension of SCLSD on the west side of Chautauqua Lake and petitions the Chautauqua County Legislature for further action under Article 5-A of the County Law of the State of New York.

**Motion** made by Councilman, Al Akin to adopt the resolution 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**

### **County Agricultural Development and Enhancement – Lead agency for SEQRA**

A notice was received by Chautauqua County Agricultural and Farmland Protection Board and Chautauqua County Department of Planning and Development regarding the Agricultural Development and Enhancement Strategy updating the County’s Farmland Protection Plan. The objective of the update is to devise strategies to increase economic viability of the agricultural industry and encourage farmland protection. A preliminary review of the proposed action indicated that it is a SEQRA type I actions and requires a Full Environmental Assessment Form (FEAF). The County Legislature has declared itself as Lead Agency. Part 1 of the FEAF was completed and forward to the Town Board for review and comment.

**Motion** made by Councilman, Scott Cummings to approve the County as lead agency for SEQRA

**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**

### **Chautauqua Lake Watershed Management Alliance- Vote for Board of Directors**

The member voting form was received from CLWMA for the 2022 Board of Directors election. The Board authorized Supervisor Emhardt to sign the ballot reflecting the following votes:

**Motion:** by Councilman Al Akin to vote for Marty Proctor for the one County Seat.

**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:** by Councilman Thomas Carlson to vote for John Cresanti, Sr. for the one Town/Village Seat.

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

**Carried**

**Motion:** by Supervisor Donald Emhardt to vote for Janis Bowman and Mike LaTone for the two At-Large seats.

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

**Carried**

**Sewer District 1 Extension 1 North- Engineering Proposal**

A proposal for engineering services was submitted by Ramboll for the design, permitting, easement assistance and bidding phase of the North Extension of Sewer District 1. Mike Manning, engineer for Ramboll, reviewed the proposal and project timeline. The largest task in this part of this phase would be obtaining the required easements. Mr. Manning stated he would be available to attend a meeting with the residents within the extension area to update them on the project and address any questions or concerns. Mailers and door knockers will be sent out to be sure everyone is reached.

**Motion:** by Councilman Scott Cummings to accept the proposal as submitted and authorizes the Town Supervisor to execute the agreement not to exceed \$238,400.00

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

**Carried**

**Non-Agenda items/Discussion:**

NYS Environmental Facilities Corporation(EFC) has inquired whether the Town had anymore sewer projects planned around the lake. Supervisor Emhardt stated he was going to submit a request for public sewer from Chautauqua Lake Estates to the Ellery Town line to see what is available in grant funding.

Councilman Cummings stated he planned to attend the next Village meeting to see if they are considering working with the Town on developing a joint comprehensive plan.

Councilman Carlson stated that the lakeside park plan was revealed last month showing several possibilities for development. Mr. Carlson also suggested, now that the Lodge on Chautauqua is not going to be built, the Town and/or Village consider purchasing the property. If this piece was secured, there would be no worry in the future of anyone doing anything with it. When a building was proposed, although many were for it, there were several against it. There's no reason the Town or Village couldn't move forward with obtaining it by offering a fair price.

A resident inquired whether there was a chance of bringing the floating stage back. Supervisor Emhardt said he heard the owner has left the area completely. Councilman Carlson stated local concerts sponsored by the Chamber of Commerce will continue Thursdays at the park and now that the stage is out of there, they may be able to enhance it.

**Motion** made by Councilman Thomas Carlson to approve the Supervisor's Report for April.

**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 Scott Cummings approve the vouchers as presented to the board for payment. Abstract #005, Voucher # 252-321

**Abstract # 005**  
**Deposit of 05/01/2022 – 05/31/2022**

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	36,439.56
B	GENERAL FUND – OUTSIDE VILLAGE	28.71
DA	HIGHWAY FUND – TOWNWIDE	26,497.74
DB	HIGHWAY FUND – OUTSIDE VILLAGE	39,863.75
H4-	WATER DISTRICT 2	37,829.00
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	307.19
SL2-	DEWITTVILLE LIGHTING DISTRICT	305.72
SL4-	BAYBERRY LANDING LIGHTING DIST	19.15
SS1-	CHAUT HEIGHTS SEWER DISTRICT	464.03
SW1-	CHAUT HEIGHTS WATER DISTRICT	5,835.18
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	3,817.27
<b>Total:</b>		<b>151,407.30</b>

**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**

**Motion** made by Councilman Thomas Carlson to adjourn the regular meeting at 7:33 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**

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Rebecca Luba, RMC

Town Clerk

Town of Chautauqua