

Mayville, NY

Regular Meeting

September 12, 2022

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Al Akin, Thomas Carlson and Scott Cummings. Code Enforcement Officer, Ken Shearer, Town Clerk, Rebecca Luba, Deputy Clerk, Jessica Emhardt

Others Present: Karen Engstrom, Dave Crandall, Sue Klossner, Marty Proctor(Cnty Legislator), Phil Mead, Mark Smith, Richard Fannelly, Dan Hicks, Sharon Smead, Greg Bacon(Post-Journal), Jean Lobaugh, Rick Syper, Sandi & Jeff Wagner

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 for the Special meeting held August 23, 2022

Second: Councilman Thomas Carlson

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

Carried

Councilman Carlson requested a modification to the minutes presented for the regular meeting held August 8, 2022 regarding the inquiry letter for land acquisition with no change to the motion.

Motion made by Councilman Scott Cummings to approve the September 8, 2022 with amendment.

Second: Councilman Al Akin

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

Carried

Departmental Reports:

Town Clerk report was submitted and filed. Fees collected for August totaled \$15,873.94 and disbursed as follows:

Supervisor-A Fund: \$6,380.08 B Fund: \$200.00, SS1 Fund: \$3,274.50 SW3 Fund \$293.94
NYS DEC license sales: \$5,249.92, NYS Animal Population Control program: \$228.00, Dept. of Health \$247.50. 11 Marriage licenses were issued, and 31 record requests completed. Dog license renewals mailed for August and 2nd notices sent for all expired licenses. Penalty posted for all unpaid Sewer and Water bills. School Tax Bills were mailed using a 3rd party print/mail company. Collections began September 1, 2022 and will continue through September 30, 2022 penalty free. Due to staffing, the Clerk's office will now be closed between 12-1pm for lunch until further notice.

Code/Zoning Office reported and on file. A total of 29 building permits were issued, 24 Town and 5 Village, with total project value of \$4,550,062.00 and 22 Certificates of Completion issued with project values totaling \$1,095,590.00

A positive recommendation for a Special Use Permit was referred to the Board. Two variances were granted in the Residential-Lakeside District. One was for a deck and the other a New Single-family home. 2 Variance are scheduled for the September 20th Town ZBA meeting.

Highway report submitted and on file. The department is finished with the dozer. Ditched Thum Rd. and currently prepping Potter Rd. for blacktop. Put in 280ft of pipe on Galloway Rd. from the road to the lake. New plow truck was delivered. Closed in ditch from Crestwood to Canterbury Dr. using 12" perforated pipe(240ft).

Assessor's report was submitted and filed with the Clerk's office. Office has been fielding phone calls and walk-ins regard school tax bills. The office has been providing apportionments to school tax collectors when property owners split parcels.

Committee Reports:

Comprehensive Plan. Councilman Cummings stated there would be a kick-off meeting held at the Carlson Community Center on September 29, 2022 at 6pm. A notice will be printed in the paper encouraging the public to attend. Grace Disantis of Barton and Loguidice will be present to explain what a comprehensive plan is and the process to make one.

Sewer District 1 Extension North- Project is moving ahead. Construction is proposed to start in the Spring of 2023. Confirmed hydraulic requirements and force main routing. Looking to engage a legal subconsultant to obtain required easements. Working on topographic survey and completing geotechnical borings along force main route. Councilman Cummings inquired about the County's updated Sewer Use Ordinance. Once this is completed, the Town will adopt a resolution mirroring the County's ordinance as the North Chautauqua Lake Sewer District will be maintaining this district. Order in Consent- Complete land acquisition and groundwater well drilling, development and testing by 9/30/2022. Nest report is due 10/31/2022.

Water District 2 Water Source and Extension. 1st well has been drilled. WIIA grant was submitted on 9/7/2022. Test well has been developed and was tested on 8/27/2022. Percolation tests will be completed in September for waste bed design. Land acquisition will be finalized 9/30/2022.

Point Chautauqua Map Plan and Report -Developed draft report- currently under internal QA/QC review. Draft will be distributed to the Town for review.

Public Comments- Non-Agenda Items:

Karen Engstrom presented the board with information on alternative energy and updated them on regional solar issues. The Office of Renewable Energy Siting (ORES) held the first public hearing in Chautauqua County on utility scale solar on August 23, 2022. The hearing concerned South Ripley Solar, a 3000-acre project, 790,000 panels with two tractor trailer size lithium battery storage units in Ripley, NY. The video recording of that hearing containing the testimony of several fire chiefs and first responders voicing opposition to the project due to safety concerns will be forwarded to the Board. A lawsuit is underway in state courts which names ORES as the defendant.

Cassadaga Wind owners, RWE, show the electricity generation recorded for that project is 15% of the rated capacity that was claimed by the project builder.

Cattaraugus County has placed a moratorium on utility scale solar projects and is currently auditing all renewables

Phil Mead spoke on behalf of residents in Chautauqua Shores requesting a stop sign to be placed at the lower end of Canterbury drive. This is a 3-way intersection with a blind spot. Supervisor Emhardt state he and the Highway Superintendent will look into the requirements for doing this and advised Mr. Mead that a petition signed by the residents may be required.

Agenda:

Highway Department- Shared Service Agreement for Equipment

An agreement between the Towns of Chautauqua, Westfield, Ripley and Portland to collectively purchase a 2018 Double Drum Roller was presented to the Board for a total purchase price of \$52,500.00 to be split equally.

Motion: by Councilman Al Akin to approve the agreement as presented authorizing the Supervisor to execute the contract with the expenditure not to exceed \$13,125.00.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

CMB Parking Lot- Repaving Front and Rear lots

Supervisor Emhardt stated the parking lots at the Community Municipal Building need to be repaved. The highway department can do this at cost and it would be a budgeted expense. Pa

Motion made by Councilman Scott Cummings authorizing the expenditure of \$72,000.00 to repave the lots.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Special Use Permit – We Store It, LLC Storage Building

A recommendation was received by the Zoning Board for the construction of a new 70'x104' pole barn storage building by WE Store It, LLC located on Mather Rd. Ext. aka/ Chautauqua Marina.

Motion made by Councilman Scott Cummings to set a public hearing for Tuesday, October 11, 2022 at 7:15pm

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye

Carried

Water District 2- Water Source and Extension

Project was updated and discussed in committee reports. No action required at this time.

Water District 4- Deeds for Roads

Information is pending review by the Town's attorney. No action required at this time.

Water District 4 Extension- Resolution for Map plan and Report

The following resolution was presented and reviewed by the Board.

Whereas, petitions were submitted by residents on Rte. 394 between Chautauqua Institution and the Village of Mayville requesting public water,

Whereas, the Town requested a map plan and report from Barton & Loguidice to check the feasibility of extending Water District No. 4 to the Village line,

Now, Therefore, Be It Resolved, that the Town Board approves the expenditure, not to exceed \$30,000, authorizing the town supervisor to execute the agreement with Barton & Loguidice as presented.

Be it Further Resolved, that this resolution is determined to be subject to permissive referendum as provided by General Municipal Law §6-c and Town Law §§90 to 94, and shall not take effect until thirty (30) days from the date hereof pursuant to Town Law §91, and that no expenditure shall be made prior to expiration of said 30 day period, and that no expenditure shall take place after said period if a Petition has been duly filed pursuant to Town Law §91 with further action of this Board.

Motion made by Councilman Thomas Carlson to adopt the resolution as presented.

Second: Councilman Al Akin

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

Carried

Code Enforcement- New Hire

The Board moved agenda item to the end of the meeting so this matter could be discussed in executive session to discuss the appointment in accord with Public Officer Law§105.

Lakeside Property- Inquiry

The response to the Town's property inquiry of a waterfront lot located within the Village of Mayville was reviewed by the Board. No further action was taken.

Budget- Presentation of Tentative Budget

The tentative budget was copied and presented to the Board.

Motion made by Councilman Scott Cummings to hold a special meeting on Tuesday, September 20, 2022 at 10am to review the tentative budget.

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

The supervisor's report was made available for review by the Board.

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

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 to approve the vouchers as presented to the board for payment. Abstract #009, Voucher # 530-591

Abstract # 009

Deposit of 06/15/2022 – 07/31/2022

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	27,397.05
DA	HIGHWAY FUND – TOWNWIDE	252,718.50
DB	HIGHWAY FUND – OUTSIDE VILLAGE	26,374.56
H4-	WATER DISTRICT 2	71,519.02
H5-	SEWR DISTRICT 1	8,963.02
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	322.90
SL2-	DEWITTVILLE LIGHTING DISTRICT	326.18
SL4-	BAYBERRY LANDING LIGHTING DIST	20.60
SS1-	CHAUTAUQUA HEIGHTS SEWER DISTRICT	232.35
SW1-	CHAUTAUQUA HEIGHTS WATER DISTRICT	6,627.50
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
Total:		394,522.70

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

Executive Session

Motion made by Councilman Thomas Carlson to enter executive session at 7:34pm with the Town Board and Town Clerk.

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 Thomas Carlson to Leave executive session at 8:09pm

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

A new full-time position was created for the Code Enforcement office working 35hrs/wk. at \$19.00/hr. with benefits. This position will be a salaried position of \$34,580.00/year.

Motion made by Councilman Thomas Carlson to approve the appointment of Nicole Yacklon as a full-time code/zoning clerk contingent upon obtaining the required civil service test and interview by 2 members of the Board.

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

Motion made by Councilman Scott Cummings to approve a part-time hire for the Clerk's office up to 20hrs/wk. at \$21.00/hr. no benefits

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 8:13 P.M.

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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua