

Mayville, NY

Regular Meeting

January 11, 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 Officer, Jeff Paddock, Town Justice, Tim Hull and Town Attorney, Joel Seachrist

Others Present: John Penhollow, Malisa Bal, Sharon Smead, Karen Engstrom, Marty Proctor(County Legislator), Rick Syper(Village Mayor), Mark Smith, Greg Bacon(Post Journal), Sandralee and Jeff Wagner.

Supervisor 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 of the regular meeting held 12/12/22 and organizational minutes of 12/30/22.

Second: Councilman Al Akin

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 December submitted and on file. Monthly fees remitted totaled \$6,727.71; Dog License sales of \$362.00; Conservation sales of \$75.00, Building/Zoning fees of \$5,217.00, 11 Record Requests completed and 1 Marriage license issued.

Quarterly billing for Water District 3 and Sewer District 1 was processed and mailed. January dog license renewals have been mailed along with 2nd reminders for November and December licenses still due. 2023 Tax Collection began January 5th and will continue through February 3rd penalty free. Annual Clerk's report was submitted to the Board. End of year reports for Town Clerk and Tax Collector are ready for the committee to audit.

Liquor license renewal was received 1/11/23 from Chautauqua Hotel Co. for 1 Ames Ave.

Historian's Annual Report was submitted, filed with the Clerk's office and copied to the Board.

Assessor's report submitted and on file. The office is continuing fieldwork and receiving exemption renewals. With taxes bills being mailed, the office has been fielding phone calls and providing apportionments when needed.

Code Officer, Jeff Paddock reported that the Code/Zoning Office issued 11 building permits for the Town with project values of \$240,828.00 and 2 permits for the Village with project values totaling \$17,600.00. A total of 12 permits for the Town were closed with project values of \$257,500.00 and 7 were closed for the Village with project value totaling \$87,500.00.

The Zoning Board of Appeals had 3 hearings in December. Variances were granted for a picnic pavilion to be constructed in a Residential-Lakeside District and a one-story addition on Terrace Ave. located within a Residential District. The SUP hearing for an application submitted by Forefront Power/Arcadis to install a solar collection facility on Cadenza Passage(Chautauqua-Stedman Rd.) will be revisited once more information is submitted by the applicant.

Another SUP application for a solar collection facility on Wright Rd. was received and pending information prior to being scheduled for a zoning hearing.
No cases are scheduled for the January ZBA meeting.

Highway report submitted and on file. Freightliner plow truck sold on Auctions International was picked up. Installed 3-way stop sign on Crestwood and Canterbury Drive. Used CAT excavator and Gradall to continue brush cutting on backside of ditches. Cutting trees to widen Brodt Rd. and Asplundh worked with the Town to cut trees on Dean Rd.

Councilman Carlson inquired about a request by Chris Ramacher to cut down a large tree in the Town's right-of-way on Canada Rd. Highway Superintendent stated this would be added to their list as the milder weather has permitted the highway to continue with more tree and brush cutting. Due to the milder weather, request for approval to post roads was made.

Motion made by Councilman Scott Cummings to authorize the Highway Superintendent to post the roads at his discretion.

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

Committee Reports:

Councilman Cummings updated the Board on the status of the Comprehensive plan. A grant was received in the amount of \$76,500.00. Actions needed to move forward are on the agenda which include grant acceptance and the appointment of the steering committee. If the proposed steering committee is approved, a kick-off meeting is planned to be held on Tuesday, January 31st at 7pm and will be open to the public.

The Human Resource committee met with Clerk and Code Enforcement Officer to discuss staffing needs and an executive session is requested at the end of the meeting to discuss a personnel matter.

Supervisor Emhardt reported for the Water and Sewer Committee. Land acquisition for the new well for Water District 2 Water Source and Extension Project is moving forward pending communications with the current cell tower being. Still waiting on surveys to be submitted for Sewer District 1 North Extension.

Public Comment (Non-Agenda Items):

Sandrilee Wagner inquired about the status of the Solar Project that was approved last April. Supervisor Emhardt confirmed with the Code Officer that no work has been started. If nothing starts within the year, the applicant will have to reapply for another Special Use Permit. Karen Engstrom inquired whether they had signed the Special Use Permit. The Code Officer and Town Clerk stated they didn't think it's been received but will confirm after reviewing the file.

Agenda Items:

Comprehensive Plan – Grant Acceptance

**Acceptance of Comprehensive Planning Grant from NYS Department of State
Smart Growth Community Planning and Zoning Program**

WHEREAS, the Town of Chautauqua (Town) submitted an application with the Village of Mayville (Village) to the Consolidated Funding Application (CFA) for a Smart Growth Comprehensive Plan Project (Project); and

WHEREAS, the total 10% local funding match required by Department of State, pursuant to the Smart Growth Community Planning and Zoning Program, will be split evenly between the Town and Village; and

WHEREAS, the Town agreed to commit 5% of the total project cost in a resolution dated July 11, 2022, in cash and in kind services;

WHEREAS, the Village agreed to commit 5% of the total project cost in a resolution dated July 12, 2022, in cash and in kind services;

WHEREAS, the Town and Village were awarded a grant in the amount of \$76,500.00 for the planning and development of the Town of Chautauqua and Village of Mayville Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED, that the Town of Chautauqua accepts the grant and authorizes the Town Supervisor to execute the Grant Agreement with the New York State Department of State and any and all other contracts and documents necessary to bring about the Project and

BE IT FURTHER RESOLVED, that the Town of Chautauqua Supervisor is authorized to coordinate with the Village to fulfill the Town's obligations under the Department of State's Smart Growth Comprehensive Planning Grant Application and Agreement.

Motion: made by Councilman Thomas Carlson to approve the Resolution as presented

Second: Councilman Al Akin

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

Carried

Comprehensive Plan – Steering Committee

One of the requirements for receiving the grant is to have a steering committee in place. This committee would be responsible for gathering information and making recommendations to the Town and Village Boards. Councilman Cummings presented the Board with a list of candidates recommended to serve on the committee that would represent various sectors within the Town. Proposed members are as follows:

Town Board:	Councilmen, Scott Cummings and Thomas Carlson
Town Offices:	Deputy Clerk, Jessica Emhardt and Justice, Tim Hull
Village Board:	Mayor, Rick Syper and Councilman, Dan Roush
Village Planning/Zoning:	Mary Schiller and Mark Smith
Chamber of Commerce:	Sorena Gilkinson
Chautauqua Institution:	Russell Boehner (CI Homeowner's Association)

CLC School: Zach Stahlsmith
Residents/Business: Sharon Smead, Julie Lescynski, Hank Navarro

Motion: made by Councilman Al Akin to approve the recommended list of candidates appointing them to serve as the Steering Committee for the Combined Town/Village Comprehensive Plan.

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

Comprehensive Plan – RFQ for Consultant

Councilman Cummings stated they are still waiting on the list of requirements for the Comprehensive Planning grant that was awarded to the Town and Village. A Request for Qualifications(RFQ) may be one of them as this was recently implemented by the State for municipalities receiving grant funds.

Motion: made by Councilman Thomas Carlson to put out an RFQ for consulting services.

Second: Councilman Al Akin

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 – RFQ for Engineering

A Request for Qualifications is required for the Engineering Planning Grant(EPG) received for the south extension of Sewer District 1. Municipal Solutions has offered their assistance with this and will forward a proposal for their services if needed.

Motion: made by Councilman Scott Cummings to work with Municipal Solutions to put together an RFQ for engineering services for the Sewer District 1 South Extension project.

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

Local Law 1 of 2023- Firefighter/Ambulance Worker Property Tax Exemption

The Board reviewed new legislation affecting the firefighter/ambulance worker property exemption. Previously, the property exemption was based on a percentage of the total tax due. It will now be based on the total assessed value making the exempt amount higher for property owners. However, those that opt for the property exemption, will no longer be eligible for the income tax exemption. The County is set to vote on this at their next meeting.

The Board decided to put a hold on the matter to see if more information is produced at the County level. No action taken at this time.

Resolution– Declining Primary Provider of Ambulance Services

RESOLUTION DECLINING ITSELF AS PRIMARY PROVIDER OF AMBULANCE SERVICES

WHEREAS, General Municipal Law 122-b subdivision 5 authorizes a Fire District to provide emergency ambulance service where a town has not designated itself as the primary provider or otherwise contracted for an emergency ambulance service; and

WHEREAS, the Dewittville Fire District (“Fire District”) currently provides fire protection and emergency services within the boundaries of the Fire District which is wholly contained in a portion of the Town of Chautauqua, Chautauqua County, New York; and

WHEREAS, in the absence of the Town of Chautauqua designating itself as the primary provider or otherwise contracted for an emergency ambulance service, the Board of Fire Commissioners of the Dewittville Fire District desires and intends to make a public declaration of need for a municipal ambulance service and to operate an emergency ambulance service pursuant to the provisions of the General Municipal Law, the Public Health Law and otherwise, and to contract with one or more individuals, municipal corporations, or other organizations having sufficient trained personnel, vehicles or combination of personnel and vehicles suitable to provide such ambulance service and prehospital emergency treatment, within the Fire District; and

WHEREAS, the Town of Chautauqua desires to declare that it declines to designate itself as the primary provider or otherwise contract for an emergency ambulance service within that portion of the Town of Chautauqua being within the Dewittville Fire District in order to permit the Dewittville Fire District to so provide such emergency ambulance service within the Fire District.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Chautauqua hereby determines that it declines to designate itself as the primary provider or otherwise contract for an emergency ambulance service within that portion of the Town of Chautauqua being within the Dewittville Fire District;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Chautauqua hereby further declares that it supports the Dewittville Fire District in its intention and desire to make a public declaration of need for a municipal ambulance service within such Fire District within a portion of the Town of Chautauqua and to operate an emergency ambulance service therein pursuant to the provisions of the General Municipal Law, the Public Health Law and otherwise; and it is further

RESOLVED, that these Resolutions shall take immediate effect.

Motion: made by Councilman Scott Cummings to approve the Resolution 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

Solar Application– SEQRA Notice of Intent for Lead Agency for Forefront Power

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR THE APPLICATION OF FOREFRONT POWER

WHEREAS, ForeFront Power has applied for a Special Use Permit to construct and operate a large-scale solar energy system on a property on Chautauqua-Stedman Road in the Town of Chautauqua; identified on the Chautauqua County tax map as 297.00, Blo1, Lot 46.1; and

WHEREAS, the Town Board has begun review of the application by referring it to the Town of Chautauqua Zoning Board of Appeals for its review, report, and recommendation; and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town Board intends to serve as Lead Agency for SEQRA review of this action and wishes to conduct a coordinated environmental review thereof;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines that the project is a Type I action for SEQRA purposes, states its intention to serve as Lead Agency. and will circulate Lead Agency Notices along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies, which shall be given 30 days from the mailing of the Lead Agency Notice to consent, while Interested Agencies will be given notice but not required to consent pursuant to 6 NYCRR Part 617.6.

Motion: made by Councilman Thomas Carlson to approve the Resolution as presented

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

Lease Agreement– Revised CHRIC Lease

A revised lease agreement was presented to the Board to show the decrease in rented space by Chautauqua Home Rehabilitation and Improvement Corporation. Annual lease will be reduced to \$12,772.00 for the remaining term of the lease ending May 31, 2026.

Motion: made by Councilman Al Akin to approve the revised lease agreement 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

Non-Agenda Items:

Chamber of Commerce Shed Update

Legislator, Marty Proctor stated he has yet to inquire about the Chamber of Commerce's request to place a shed on County property next to the Town building. He will submit the request and let the Board know as soon as he hears anything.

Millings Pile Update

Karen Engstrom inquired on the status of the millings pile. Supervisor Emhardt stated there has been no further movement on it but he has spoken with the property owner. Councilman Carlson was able to talk with the operator regarding the Town's proposal but hasn't received any confirmation.

Engineering Services for Solar Application Review

The Board revisited an agreement submitted by Wendell to review the solar permit application submitted by Arcadis Solar aka. Forefront Power, for a proposed solar collection facility located on Cadenza Passage/Chautauqua-Stedman Rd.

Attorney Seachrist stated Forefront has made a verbal agreement to set up an escrow account with the Town to pay for these services. Written agreement is currently in process.

Motion: made by Councilman Scott Cummings to approve the agreement as presented contingent upon receiving escrow agreement and funds from Forefront Power.

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

Motion: made by Councilman Al Akin to approve the Supervisor's report for December.

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 approve the vouchers as presented to the board for payment. Abstract #013, Voucher #797-860 and Abstract #001, Voucher #001-015

Abstract # 013

Deposit of 12/25/2022 – 01/13/2023

Code	Fund	Amount
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A	GENERAL FUND – TOWNWIDE	16,112.76
B	GENERAL FUND- OUTSIDE VILLAGE	16,315.89
DA	HIGHWAY FUND – TOWNWIDE	16,364.85
DB	HIGHWAY FUND – OUTSIDE VILLAGE	10,942.41
H3	SEWER DISTRICT 1- FORCE MAIN/PUMP STATION	7,593.50
H4	WATER DISTRICT 2- WELLS/EXTENSION	1,052.50
H5	SEWER DISTRICT 1 – EXTENSION	1,388.05
SL1	PT CHAUTAUQUA LIGHT DISTRICT	340.64
SL2	DEWITTVILLE LIGHTING DISTRICT	351.20
SL4	BAYBERRY LANDING LIGHTING DIST	22.36
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	24,402.41
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	11,192.26
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	21.02

Total: 106,099.85

Abstract # 001
Deposit of 12/25/2022 – 01/13/2023

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	132,636.56
DA	HIGHWAY FUND – TOWNWIDE	14,755.85
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	41,420.31
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	61,764.07

Total: 250,576.79

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

Executive Session- Personnel Matter

Motion made by Councilman Scott Cummings to enter executive session at 7:38P.M. to discuss a personnel matter. Session to include Board Members only.

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

The Board invited Code Enforcement Officer Jeff Paddock and Town Clerk, Rebecca Luba in the room for more discussion on the matter.

Motion made by Councilman Thomas Carlson to come out of executive session at 7:56 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

Staffing needs were discussed with the Town Clerk and Code Enforcement officer. The Board determined to split the full-time clerk position in the code office between the two offices with 15hrs/week in the Clerk's office and 20hrs/week in the Code office. A schedule will be worked out between the department heads.

Motion made by Councilman Al Akin to approve the change and appoint Nicole Yacklon as the 2nd Deputy Clerk for the Clerk's office.

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

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:15 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