

Mayville, NY

Regular Meeting

April 12, 2023

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

Absent: Councilman Thomas Carlson

Others Present:, Gregory Bacon(Post-Journal), Marty Proctor(Legislator), Rick Syper(Mayor), Randall Perry(CLWMA), Mike Manning(Ramboll), Mark Smith, Dave Crandall, Karen Engstrom, Sharon Smead, Sandra and Jeff Wagner

Supervisor Donald 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 March 8, 2023 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

Departmental Reports:

Highway reported on activities for the month of March which included brooming roads, removing snowmobile signs, cleanup of trees and branches from the two high windstorms and currently working on the engine rebuild for truck #14.

Town Clerk's monthly report for March was submitted and filed. Collections totaled \$4,873.55 and disbursed as follows: Supervisor- A Fund: \$3,667.29, B Fund: \$600.00, SS1 Fund: \$407.03, SW3 Fund: \$46.17. NYS DEC license sales: \$33.06, NYS Animal Population Control program: \$75.00, NYS Dept. of Health \$45.00.

Town and County tax collection ended 4/3/23. Final reports and disbursements have been submitted to the County tax office. Total collections received: \$12,342,465.05. Total Unpaid taxes: \$795,788.45. Spring clean-up notices have been mailed. Both the Town Clerk and Deputy Clerk will be attending the annual State Conference for municipal clerks April 24-26, 2023.

The clerk's office is currently reviewing all zoning files from 1979-Present to bring them current with the LGS-1 disposition schedule and converting them to a digital format.

The Local Government Conference is scheduled June 8th at Houghton College. Those attending must register online by May 31st or submit registration forms to the Town Clerk no later than May 5th.

Code/Zoning report submitted and filed. 28 Permits issued for the Town with project total of \$900,572.00 and 8 for the Village with project total of \$165,962.00. 2 Permits were closed for the Town totaling \$7,573.00 in project value and 3 for the Village at \$3,500.00 project value. There were 3 variances approved for the construction of 3 new homes. Both solar projects were reviewed and discussed with no action taken. These cases will be revisited at the April hearings.

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

Committee Reports:

HR Committee- Councilman Cummings updated the Board on the hiring status of a new code enforcement officer. Several applications have been received through an online advertisement placed on Indeed. Jeff Paddock is going to follow up with the Western Southern Tier Builders Association at their meeting this week to see if there is any interest. The committee will start the interview process next week hoping to have someone hired by May 1st.

Comprehensive Plan- Councilman Cummings stated that there would not be an April meeting for the steering committee as they are still waiting on the grant requirements from the state including specs for the RFP. Next meeting will be held at 7pm in the Carlson Community Center, May 17, 2023.

Water and Sewer Projects- Councilman Cummings and Supervisor Emhardt met with Barton and Loguidice to discuss the extension of public water serving residents in the Lighthouse Point area to Chautauqua Institution. A map plan report will be available towards the end of June. Supervisor Emhardt stated Water District 2 water well and extension project is moving forward. A draft law has been presented to the Board to set a public hearing to protect the area around the wells.

Public Comments:

Karen Engstrom provided the Board with information on solar panels and how PFAs are used in the panels along with an article she had published in the Dunkirk Observer on 3/4/2023.

Ms. Engstrom also inquired on the status of the removal of millings being stored on John Kleinfelder's property across from Lighthouse Point. Supervisor Emhardt stated it is still in the works. Both the property owner and operator have been contacted and are working on the removal.

Agenda Items:

RFQ-Engineering Services for Water and Sewer Projects

A Request for Qualifications (RFQ) was advertised for engineering services related to the Town's water and sewer projects. Two engineering firms responded to the request. After review, it was determined that both firms would qualify for the current capital projects and it would be in the best interest of the town to retain both.

Motion made by Councilman, Scott Cummings, to accept both proposals and retain engineering services from Ramboll and Barton & Loguidice.

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 Supervisor, Donald Emhardt, to have Ramboll continue as the engineer for the Water Supply and Extension of Water District No. 2.

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

Motion made by Councilman, Scott Cummings, to have Ramboll serve as engineer for the South and North Extensions of Sewer District No. 1.

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 Cummings, to have Barton and Loguidice serve as the engineer for the Lighthouse Point Water Extension project.

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

RFP-Roadside Swales Stabilization Project

The Chautauqua Lake Watershed Management Alliance (CLWMA) has submitted a Request for Proposals (RFP) for the Roadside Swales Stabilization Project. Proposal deadline was today, April 12th at 3:30pm. CLWMA will review all proposals and make recommendation to the Town Board for acceptance at the May meeting.

Chautauqua Lake- Memorandum of Understanding

A Memorandum of Understanding (MOU) for Chautauqua Lake was presented to the Board articulating an understanding among Chautauqua County's town and village governments and stakeholders to work collaboratively and in good faith to achieve the common goal of an ecologically and economically healthy lake. There were no changes made from the MOU adopted in 2021. New agreement would commence on May 1, 2023 ending April 30, 2026.

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

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

Agreement- Engineering Review for Wright Rd. Solar Project

A proposal was submitted by Wendel Engineering for review of an application submitted to the Zoning Board for a solar project on Wright Rd. These services would be funded by the developer, Sol Source Solar, through an escrow agreement dated April 4, 2023, in accord with Town Law 143-99.

Motion made by Councilman Scott Cummings to accept the proposal as submitted and authorizes the Town Supervisor to execute the agreement with Wendel.

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

Water District 2 – Water Leak Repair to Roads

Chautauqua Lake Estates submitted a quote from Lake Shore Paving for repairs to Seneca and Mohawk Drives due to damage sustained from a water leak in Water District 2. Costs would be covered by the district's funds.

Motion made by Supervisor Al Akin to approve the quote as presented not to exceed \$6,096.00.

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

Water District 2- Presentation of Local Law 3 of 2023 Water Well Protection

The Board was presented a draft of local law 3 of 2023 regulating the use of property surrounding the water well that will soon be established for Water District No. 2. A public hearing will be required prior to adoption.

Motion made by Councilman Scott Cummings to set a public hearing for LL 3 of 2023 at the next regular meeting on Wednesday, May 10, 2023 at 7:15pm.

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

Municipal Building- Demolition of Garage

The Board discussed the removal of a garage located on Town property next to the Community Municipal Building. An asbestos survey was completed by Empire Development on March 31, 2023,

in which no asbestos was detected. A new building would be constructed and used for the Town's maintenance office and equipment. The Chamber of Commerce would assist in building part of the new structure house their items used for the promotion of tourism and local businesses.

Motion made by Councilman Al Akin to approve the demolition and removal of the garage.

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

Budget Transfers

The following budget transfers were submitted to the Board by the Town bookkeeper for 2022.

Town of Chautauqua
Budget Transfers
December 31, 2022

<u>TO</u>	credit <u>AMOUNT</u>	<u>FROM</u>	debit <u>AMOUNT</u>
TRANSFERS TO BALANCE - A FUND			
A1010.1 Town Board - pers svcs	706.19	A1110.1 Municipal Court - pers svcs	543.87
A1010.4 Town Board - contract	70.00	A1110.2 Municipal Court - equip	2,387.00
A1110.4 Municipal Court - contract	71.99	A1220.2 Supervisor - equip	500.00
A1220.1 Supervisor - Pers svcs	0.04	A1330.1 Tax Collection - pers svcs	712.29
A1220.4 Supervisor - contractual	4,302.86	A1355.2 Assessment - equipment	1,500.00
A1355.1 Assessment - pers svcs	25,691.13	A1355.4 Assessment - contract	2,575.50
A1410.1 Town Clerk - pers svcs	4,258.96	A1410.2 Town Clerk - equip	2,335.27
A1440.4 Engineer - contractual	4,830.17	A1420.4 Law - Contractual	4,525.00
A1620.4 Buildings - contractual	14,434.81	A1460.2 Record Mgmt Officer - equip	1,500.00
A1620.41 Utilities	2,476.44	A1620.1 Buildings - pers svcs	13,138.50
A1620.45 Data processing	5,337.34	A1620.2 Buildings - equipment	3,417.20
A1620.47 Printing & mailing	3,299.72	A1950.4 Taxes paid on municipal bldg	9,775.11
A1620.49 ARPA Funds - contractual	15,450.00	A3310.4 Traffic control - contractual	1,281.72
A1650.2 Central comm sys - equip	1,195.00	A3510.1 Control of dogs - pers svcs	3,546.91
A1910.4 Unallocated insurance	4,593.53	A3510.2 Control of dogs - equip	1,500.00
A3620.1 Safety insp - pers svcs	16,832.50	A3510.4 Control of dogs - contract	1,452.49
A5010.4 Hwy Admin - contract	1,846.35	A3620.2 Safety inspection - equipment	1,757.83
A5112.4 Permanent Improv - Contract	-	A3620.4 Safety inspection - Contractual	3,960.58
A5182.4 Street Lighting - contract	1,229.38	A5010.2 Hwy Admin - equip	1,200.00
A7110.4 Chautauqua Lake - contract	15,676.07	A7110.1 Chaut Lake - pers services	21,010.00
A9020.8 Medicare	2,357.55	A8430.4 Natural Gas contractual	454.39
A9030.8 Social Security	9,873.69	A9010.8 State retirement	713.00
		A9060.8 Hospital & Med ins	38,444.36
		A9901.900 Interfund transfers	852.70
		A9905.7 Capital projects - buildings	
		A4089 Federal Aid, Other	15,450.00
		A599 Unexpended fund balance	
	<u>134,533.72</u>		<u>134,533.72</u>
TRANSFERS TO BALANCE - B FUND			
B3620.1 Safety inspection - pers svcs	6,772.47	B8010.1 Zoning - pers svcs	19,586.09
B3620.4 Safety inspection - contract	760.00		
B8010.4 Zoning - contractual	766.38		
B8020.4 Planning - Contractual	8,132.58		
B8160.4 Refuse & garbage - contract	3,154.66		
	<u>19,586.09</u>		<u>19,586.09</u>

<u>TO</u>		<u>credit</u> <u>AMOUNT</u>	<u>FROM</u>		<u>debit</u> <u>AMOUNT</u>
TRANSFERS TO BALANCE - DA FUND					
DA5112.2	Permanent impr. - equip	117,727.00	DA5120.1	Bridges - pers svcs	21,385.00
DA5112.4	Permanent impr. - contractual	98,380.00	DA5120.4	Bridges - contract	5,000.00
DA5130.4	Machinery - contract	43,578.96	DA5130.1	Machinery - pers svcs	6,599.93
DA5142.1	Snow removal - pers svcs	41,381.75	DA5130.2	Machinery - equipment	227,701.64
DA5142.4	Snow removal - contract	1,696.68	DA9010.8	State retirement	408.00
DA9030.8	Social security	1,649.36	DA9020.8	Medicare	170.75
			DA9060.8	Hospital & medical insurance	15,189.01
			DA3501	Consolidated Highway Aid	27,959.42
		<u>304,413.75</u>			<u>304,413.75</u>

TRANSFERS TO BALANCE - "DB FUND"					
DB5110.1	General repairs - pers svcs	14,185.47	DB5110.4	General repairs - contract	16,775.11
DB5110.41	General repairs - asphalt	50,762.35	DB5110.42	General repairs - bituminous matl	152,823.09
DB5110.43	General repairs - stone, slag	120,477.37	DB5110.44	General repairs - drain tile	20,146.49
DB5110.45	General repairs - fuel oil	68,579.75	DB9010.8	State retirement	408.00
DB5112.4	Permanent impr - contract	172,871.49	DB9020.8	Medicare	296.65
DB9030.8	Social security	766.08	DB9060.8	Hospital & medical insurance	39,422.70
			DB1120	Nonproperty tax distrib by Co	112,741.09
			DB599	Unexpended fund balance	85,029.38
		<u>427,642.51</u>			<u>427,642.51</u>

TRANSFERS TO BALANCE - SL1 FUND					
SL1-5182.4	Street Lighting - Contractual	<u>893.53</u>	SL1 - 599	Unexpended Fund Balance	<u>893.53</u>

TRANSFERS TO BALANCE - SL2 FUND					
SL2-5182.4	Street Lighting - Contractual	<u>954.64</u>	SL2 - 599	Unexpended Fund Balance	<u>954.64</u>

TRANSFERS TO BALANCE - SL4 FUND					
SL4-5182.4	Street Lighting - Contractual	<u>50.29</u>	SL4 - 599	Unexpended Fund Balance	<u>50.29</u>

<u>TO</u>		credit <u>AMOUNT</u>	<u>FROM</u>		debit <u>AMOUNT</u>
TRANSFERS TO BALANCE - SS1 FUND					
SS1-8120.2	Sanitary sewers - equip	75,508.18	SS1-9730.0	Bond anticipation note	44,000.00
SS1-8120.4	Sanitary sewers - contractual	2,694.80	SS1-2122	Sewer Charges	34,202.98
			SS1-599	Unexpended fund balance	
		<u>78,202.98</u>			<u>78,202.98</u>
TRANSFERS TO BALANCE - SW2 FUND					
SW2-8320.4	Source of supply - contr	1,397.42	SW2-8397.0	Capital projects reserve	1,000.00
			SW2-599	Unexpended fund balance	397.42
		<u>1,397.42</u>			<u>1,397.42</u>
TRANSFERS TO BALANCE - SW4 FUND					
SW4-8320.4	Source of supply - contr	181.83			
				Interfund transfer from A Fund	181.83
		<u>181.83</u>			<u>181.83</u>

Motion made by Councilman Scott Cummings to approve the budget transfers 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

The Village of Mayville recently acquired the old diner property at the base of the hill off Academy St. and is considering placing it for sale. Councilman Cummings suggested that this would be a good time for the Board to consider selling the Town property surrounding it giving neighboring properties the first right to refusal.

Non-Agenda Items:

A quote from Chautauqua Sign Co. was presented to the Board to replace two(2) signs in the Town meeting room with the new logo.

Motion made by Councilman Scott Cummings to authorize the purchase not to exceed \$1,620.00.

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

Supervisor's Report

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

Motion made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #004, Voucher # 051-227

Abstract # 004
Deposit of 3/11/2023 – 4/12/2023

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	45,860.80
B	GENERAL FUND- OUTSIDE VILLAGE	2,094.51
DA	HIGHWAY FUND – TOWNWIDE	47,430.74
DB	HIGHWAY FUND – OUTSIDE VILLAGE	48,365.98
H2	WATER DISTRICT 4- EXTENSION	6,250.00
H4	WATER DISTRICT 2 - SUPPLY/EXTENSION	138,522.50
H6	SEWER DISTRICT 1 – SOUTH EXTENSION	948.00
SL1	PT CHAUTAUQUA LIGHT DISTRICT	323.95
SL2	DEWITTVILLE LIGHTING DISTRICT	327.37
SL4	BAYBERRY LANDING LIGHTING DIST	20.64
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	25,141.47
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	5,988.81
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	15,800.72
SW4	WATER DISTRICT 4- MANDOLIN RIDGE	7,070.22
Total:		344,145.71

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 Cummings to adjourn the regular meeting at 7:34 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