

Mayville, NY

Regular Meeting

January 10, 2022

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

Absent:

Others Present: Roger Klossner, Roger Klossner II, Karen Engstrom, Mike Barnes and Greg Bacon.

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 organizational minutes of 1/3/22.

Second: Councilman Kenneth Burnett

Vote: 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 \$6,405.78; Dog License sales of \$434.00; Conservation sales of \$572.00, Building/Zoning fees of \$3,259.40, 22 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. 2022 Tax Collection began January 6th and will continue through February 4th penalty free. End of year reports for Town Clerk and Tax Collector are ready for the committee to audit.

The County Executive issued a request to the Supervisors and Mayors to hand out home Covid testing kits. The Clerk's office will not be handing these kits out. Due to increased traffic in the office for tax collection, this could unnecessarily expose the community and staff in the event someone experiencing symptoms of the virus was to come in requesting a kit. The Chautauqua County Municipal Clerk's Association has sent a letter to the County Executive in opposition of this request and stated that the distribution of "at home COVID tests" should be kept to the County Health Department and/or doctor's offices.

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. Reassessment Aide Funding totaling \$17,964.00 has been received and forwarded to the bookkeeper.

Deputy Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 12 building permits with project values of \$633,250.00 and 24 permits were closed with project values of \$692,337.00. Zoning Board of Appeals have 2 variance hearings scheduled for 1/18/2022.

Highway reported on plowing. Brush cutting for Village along the walking path. Installed driveway pipe on Elm Flat Rd. Replaced ceiling tiles in office, lunchroom and bathrooms of the Highway building and painted breakroom and bathrooms.

Public Comment (Non-Agenda Items): None

Agenda Items:

Local Law 1 of 2022- Recodification of Local Laws and Ordinances

The Board was copied the proposed law and a summary of the specific revisions made to the existing Town Code. A full copy of the amended Town Code was emailed to the Board and is on file in the Clerk's office.

RESOLUTION TO HOLD PUBLIC HEARING ON PROPOSED LOCAL LAW

WHEREAS the Town Board of the Town of Chautauqua has entered into a project for the codification of local laws, ordinances and certain resolutions of the Town of Chautauqua for the purposes of increasing the effectiveness of town governmental administration, providing for greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the Town Board now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to enactment of the following local law, such public hearing to be held on the 14th day of February 2022, at 7:10p.m., in the Town Hall, Town of Chautauqua, New York. The proposed local law to be considered is as follows:

LOCAL LAW NO. 1 -2022

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF CHAUTAUQUA INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF CHAUTAUQUA"

Copies of the text of the above-named local law shall be filed in the office of the Town Clerk.

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and §§ 264 and 265 of the Town Law of the State of New York.

Motion made by Councilman Thomas Carlson to accept the resolution as presented setting the public hearing to be held on Monday, February 14, 2022 at 7:10pm.

Second: Councilman Scott Cummings

Vote: Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Continuation of Public Hearing -Hartfield-Stockton Rd. Solar Project

The Board is still waiting on more information to be submitted and reviewed. Supervisor Emhardt opened the floor for public comment.

Karen Harvey distributed information to the Board pertaining to solar and wind not being a sustainable energy source and requested the Board to consider all information including that in which has been omitted and to look at local options to not permit such farms.

With no further comment, the hearing was left open and will continue to the next regular Board meeting.

CMB Furnace - Quote

The furnace in the meeting room needs to be replaced. A quote from King's heating was submitted and copied to the Board for consideration.

Motion made by Councilman Scott Cummings to approve the quote and authorizes the Town Supervisor to make the purchase not to exceed \$3,940.00.

Second: Councilman Kenneth Burnett

Vote: Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Assessment – Reassessment Aide

The Town's Assessor, Anne Golley, addressed the Board regarding the financial aid their office requested from the NYS Comptroller's office to assist in covering the costs of a town-wide reassessment. This aid can range between \$1 -\$5 per parcel but must be applied for upon the completion of a successful reassessment project that brings the equalization to rate to 100. This aide is offered to assist municipalities in the extra staffing and time involved in these types of projects since a 3rd party appraisal firm could costs in excess of \$300,000.00. The Comptroller's office has since approved their request and payment was received by the Town. The office is requesting the Board's consideration of reimbursing the Assessment Staff with a portion of these funds to compensate the extra time spent on this process including nights and weekends.

The Supervisor asked the Town Attorney if this could be done. Mr. Seachrist stated it could but was unsure on the legal aspect since it was not agreed upon prior to the service being conducted. Mrs. Golley stated that they since they can only apply for the aid after the reassessment is completed, there is no way to determine how much will be awarded, if any.

Motion made by Councilman Al Akin to table the matter until a legal opinion can be obtained by the Town's attorney.

Second: Councilman Scott Cummings

Vote: Councilman Thomas Carlson – Aye
Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Alan Akin– Aye

Carried

Town Police Department- Chautauqua Institution Security

The Chautauqua Institution has requested the Town to consider establishing a Police Department in which their current law enforcement personnel would be appointed. Having their law enforcement under a 'Town' Police department would help them gain access to the emergency radio system as well as law enforcement information and databases that would better assist in the safety of residents in the Town and on the grounds. Expenses would be compensated by the

Institution through an agreement. Supervisor Emhardt will appoint a special committee to work with the institution and review the feasibility of a Town Police Department.

Mandolin Ridge- Resolution Accepting Road Dedication

RESOLUTION ACCEPTING ROAD DEDICATION FOR THE MANDOLIN RIDGE SUBDIVISION

WHEREAS, certain roads in the Mandolin Ridge Subdivision, located adjacent to the Chautauqua-Stedman Road, have been offered for dedication to the Town of Chautauqua (the "Town") for highway purposes by H&H Chautauqua Development, LLC, the owner of said land as shown on a subdivision survey map by EcoStrategies Engineering & Surveying, dated April 16, 2021 and recorded in the Chautauqua County Clerk's Office on May 12, 2021 as Instrument Number SD2021000005, and

WHEREAS, the Highway Superintendent of the Town of Chautauqua has recommended acceptance of said roads for dedication for highway purposes, subject to a condition that the owner put in place a bond to ensure funds will be available to repair the roads should unforeseen issues arise during the coming winter months, and

WHEREAS, the owner has proposed a deed for the roads, together with a 15 feet wide right-of-way adjacent thereto, and will provide a recordable copy of same once the Town accepts the dedication,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Chautauqua, in regular session duly convened, that the Town hereby agrees to accept a deed of dedication of the roads within the Mandolin Ridge Subdivision subject to the condition that the applicant provide a bond of no less than \$300,000 to ensure the condition of the roads until Oct. 1, 2022, and further authorizes the Town Supervisor to execute any and all documents necessary to complete the conveyance and the Town Attorney to record the same in the Chautauqua County Clerk's Office, once such deed and bond have been provided.

Motion: made by Councilman Thomas Carlson to approve the resolution.

Second: Councilman Al Akin

Vote: 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 Supervisor's report for December.

Second: Councilman Scott Cummings

Vote: 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 #013, Voucher #745-806 and Abstract #001, Voucher #001-015

ABSTRACT # 013
DEPOSIT OF 12/01/2021 - 01/31/2022

	Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
	A	GENERAL FUND - TOWNWIDE	63,619.76
	B	GENERAL FUND - OUTSIDE VILLAGE	9,505.79
	DA	HIGHWAY FUND - TOWNWIDE	14,828.73
	DB	HIGHWAY FUND - OUTSIDE VILLAGE	8,734.94
	H3-	SEWER & WATER EXPANSION	1,675.00
	H4-	WATER DISTRICT 2	5,659.81
	SL1-	PT CHAUTAUQUA LIGHT DISTRICT	332.07
	SL2-	DEWITTVILLE LIGHTING DISTRICT	343.29
	SL4-	BAYBERRY LANDING LIGHTING DIST	21.86
	SS1-	CHAUT HEIGHTS SEWER DISTRICT	24,236.48
	SW1-	CHAUT HEIGHTS WATER DISTRICT	5,579.38
	SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
		Total:	134,558.13

ABSTRACT # 001
DEPOSIT OF 12/01/2021 - 01/31/2022

	Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
	A	GENERAL FUND - TOWNWIDE	245,786.53
	B	GENERAL FUND - OUTSIDE VILLAGE	35.15
	DA	HIGHWAY FUND - TOWNWIDE	14,873.18
		Total:	260,694.86

Second: Councilman Thomas Carlson

Vote: 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 8:07 P.M.

Second: Councilman Scott Cummings

Vote: 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