

Mayville, NY

Regular Meeting

August 8, 2022

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

Others Present: Mike Manning(Ramboll), Greg Bacon(Post-Journal), County Legislator, Marty Proctor, Sharon Smead, Rick Syper, Jean Lobaugh, R. Fanelly, K. Buryta, 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 Scott Cummings to approve the minutes as presented for the regular meeting held July 11, 2022.

Second: Councilman Kenneth Burnett

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

Carried

Public Comments- Non-Agenda Items:

None

Departmental Reports:

Town Clerk report was submitted and filed. Fees collected for July totaled \$27,188.50 and disbursed as follows:

Supervisor-A Fund: \$26,640.62 B Fund: \$100.00, SS1 Fund: \$19,607.34 SW3 Fund \$2,532.27
NYS DEC license sales: \$250.38, NYS Animal Population Control program: \$95.00, Dept. of Health \$202.50. 9 Marriage licenses were issued, and 40 record requests completed. Dog license renewals mailed for July and 2nd notices sent for all expired licenses. Penalty posted for all unpaid Sewer and Water bills. Currently working with the School and County preparing for School Tax Collection which will be collected in our office September 1st through November 4, 2022. Received notice from the State that Local Law 3 for 2022 was received. Worked with engineers preparing the CFA applications for Sewer District 1 North and South extensions and the Comprehensive Planning grant. Chautauqua County Humane Society gave all towns in the County a 30-day notice that they will not be renewing their primary holding agreements due to the facility being at max capacity. They will consider a secondary holding agreement for any unclaimed dogs after the required holding period in a primary shelter. We are currently working with the Dog Control officer for shelter options.

Code/Zoning Office reported and on file. A total of 32 building permits were issued, 25 Town and 7 Village, with total project value of \$611,025.00 and 31 Certificates of Completion issued with project values totaling \$1,485,935.00.

A variance was granted for the construction of a gazebo in the Residential-Lakeside district. Two variances and 1 Special Use permit are scheduled to be heard at the August zoning meeting. Two applications were referred to the Village of Mayville requiring variances for sheds in the R1 Residential District.

Highway report submitted and on file. Chip sealed intersections. Finished building pad and driveway for wellsite off of Springbrook Rd for Water District 2. Repairing brake assembly on dozer and

mowing roadsides. Helped Village with blacktopping Village streets. New plow truck is finished and will be going to Fleet for the final inspection.

Assessor's report was submitted and filed with the Clerk's office. The office has been working on filing assessment rolls with Chautauqua Lake and Sherman School Districts. They will use the assessment roll to calculate their school tax rates for each municipality for the upcoming school tax. A final copy of the assessment roll has been forwarded to the County Real Property Tax office to produce the tax bills.

Committee Reports:

Comprehensive Plan. Supervisor Emhardt stated that the Town is working on a comprehensive plan and Councilman Cummings will be Chairing it. Mr. Cummings reported speaking with Grace Disantis of Barton & Loguidice who will be submitting a grant application this fall for the combined Town and Village Plan. With it being a combined planned, chances are good that we will be awarded the grant with the Town and Village sharing 10% of the overall costs. Next step would be for the Town and Village to appoint a steering committee of 12 to lead the plan through its development. This committee should include 2 members from the Town Board, 2 from the Village Board, 1 admin from either Village or Town and various members from the school, local businesses, and community. Town Justice, Tim Hull volunteered to serve on the committee. Councilman Carlson stated he would serve as an alternate if needed. Councilman Cummings accepted the appointment and stated he would like to aim for a meeting mid-September after the two boards appoint the rest of the committee members. All meetings would be open to the public and community input will be strongly encouraged.

Sewer District 1 Extension North- Consolidated Funding Applications are being submitted. Councilman Cummings stated he was contacted by the County Health department inquiring about a timeline for public sewer in the area. Ramboll engineer, Mike Manning, stated the extension is moving forward and construction is proposed to start spring of 2023.

Water District 2 Water Source and Extension. Bond information is being forwarded for the Board's review for the increase and improvement of Water District 2.

Agenda:

Highway Department- Disposition of Plow Truck

The Highway Superintendent requested the Board's permission to sell a 2012 Freightliner Plow Truck through Auctions International.

Motion: by Councilman Al Akin deeming the 2012 Freightliner Plow as surplus and authorizing the Highway Superintendent to dispose of it in the best interest of the Town.

Second: Councilman Scott Cummings

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

Carried

CMB Lease Renewal- Chautauqua County Mental Hygiene(2nd floor)

Notice was received by The County of Chautauqua Department of Mental Hygiene to exercise their option to renew their lease agreement (16-33-30) for the second additional term of three years with option to cancel 12/31/23 if deemed necessary.

Motion made by Councilman Kenneth Burnett to extend the agreement for the additional three years with no increase in rent.

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

Mobitrac – 2023 Grant submission

Supervisor Emhardt requested the Board's permission to submit three grant applications for the Mobitrac program. First grant would request funds for seasonal operation, a second one would be for the maintenance and operations before and after season and the third would be to purchase another Mobitrac.

Motion made by Councilman Al Akin authorizing the Town Supervisor to submit grant applications for the Mobitrac program to the Chautauqua Lake Watershed and Management Alliance (CLWMA) for operations, Maintenance and purchase.

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

Water District 2- Resolution Land Acquisition

WHEREAS, the Town of Chautauqua, Water District 2, is currently under an Order of Consent by the Environmental Protection Agency to find an alternative water supply to serve Water District 2; and

WHEREAS, an investigation study dated March 11, 2021, identified property outside of the current district to be the most feasible location for a new water supply; and

WHEREAS, the Town has worked with the property owner through an MOU dated April 29, 2021, to conduct the necessary tests confirming the site would be capable of producing the required volume to serve the district; and

WHEREAS, the site was found viable to serve the current district in which the district was extended on April 11, 2022 to include the location of the new well sites; and

WHEREAS, the Town Board feels it would be in the best interest of the District and Town to acquire the property located in the Town of Chautauqua, part of which fronts Springbrook Road and designated on the official Chautauqua County Tax Map as Section 264.00, Block 2 Lot 12 to install and maintain two(2) municipal water wells and a new water treatment plant,

THEREFORE, BE IT RESOLVED, the Town Board approves the Purchase of 11.6 acres for the fair market value of \$5,000.00 per acre, paying all closing costs not to exceed \$1,000.00,

BE IT FURTHER RESOLVED, the Town Board authorizes the Town Supervisor to execute the purchase agreement paying the \$5,000.00 deposit within five (5) days of signing

Motion made by Councilman Scott Cummings approving the resolution as presented.

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- Bond

A RESOLUTION CALLING A PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF CHAUTAUQUA, CHAUTAUQUA COUNTY, NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW, TO CONSIDER AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE TOWN OF CHAUTAUQUA WATER DISTRICT NO. 2 IN AND FOR SAID TOWN AT A MAXIMUM ESTIMATED COST OF \$6,700,000.

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has had under consideration a map and plan as well as an estimated cost for a proposed increase and improvement of the facilities of Water District No. 2 in said Town (hereinafter, “Water District No. 2” or simply, the “District”), a general plan to drill new wells for and make some improvements to the said District, and a report of the proposed method of financing and operation thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, were prepared by Ramboll, competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the Town Board previously extended the boundaries of the District by resolution adopted April 11, 2022, which resolution also approved the installation of two (2) groundwater wells in the hamlet of Dewittville, the construction of a support building of approximately 1,000 square feet to house water softening equipment and chlorination equipment, exterior 15,000 gallon above-ground clear well tank, standby natural gas driven generator and electrical/instrumentation systems, a flow distribution structure (below grade) and an absorption field for handling of process wastewaters; the construction of a support building of approximately 120 square feet at the Existing Standpipe site to house chlorination equipment and electrical/instrumentation systems, a new altitude valve and vault for connection to existing standpipe inlet/outlet piping; demolition/decommissioning of the existing water treatment plant building and equipment; approximately 14,200 linear feet of 8-inch diameter pipeline; tee connections and valving for future extensions; and fire hydrants, including original furnishings, equipment, machinery, apparatus, valves, hydrants, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the description of the boundaries of said District is available for review at the Town Clerk’s office, but generally includes all of the Chautauqua Lake Estates, Point Chautauqua, Dewittville, and all of the land between Springbrook Road on the north, Chautauqua Lake on the southwest, and the town line on the south and east; and

WHEREAS, the maximum estimated cost of said improvements is \$6,700,000; and

WHEREAS, the proposed method to be employed for financing such improvement is the issuance of serial bonds for the balance, and

WHEREAS, the Town intends to apply to other sources of low interest loan and grant funding that would reduce the local costs and the cost estimates set out below, including from the Water Infrastructure Improvements Grants and Drinking Water State Revolving Fund administered by the New York State Environmental Facilities Corporation; and

WHEREAS, all users within the District will pay for the capital costs of the new water supply and transmission lines running therefrom, for the operation and maintenance costs of the District, and for the capital improvements fund, but only users within the extension area will also pay for the capital costs of the southward extension of the waterlines within the extension area; and

WHEREAS, assuming the Town receives minimum of \$3,000,000 grant funding for the project, the estimated cost to the typical property in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid is: (1) to customers within the existing District (174 equivalent dwelling units) \$1,121.86; and (2) to customers within the extension area who are benefitted but not connected (122 half-EDU), \$287.95.

WHEREAS, as the customer base expands within the extended District to approximately 350 total EDU, the estimated annual cost to the typical property is expected to be \$794.61; and

WHEREAS, at full buildout, with a total of 519 EDU across the entire District, the estimated annual cost to the typical property is estimated to be \$530.51; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of fees and first-year costs to the typical property has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said capital project for said District and the extension thereof have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal office hours; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Chautauqua, Chautauqua County, New York, shall be held at the Chautauqua Community Building, 2 Academy Street, Mayville, New York, in said Town, on the 23rd day of August, 2022, at 10:00 o'clock A.M., Prevailing Time, for the purpose of holding a public hearing on the proposed increase and improvement of the facilities of Water District No. 2 in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. It is hereby determined that all expenses of the Water District No. 2, including all Districts heretofore or hereafter established, shall be a charge against the entire area of said Water District No. 2, as

extended, except that the area currently served by water within said District shall be treated as a separate benefit district within the larger district.

Section 3. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the *Jamestown Post-Journal*, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Motion made by Councilman Scott Cummings to adopt the resolution as presented setting a public hearing for Tuesday, August 23, 2022, at 10:00am.

Second: Councilman Kenneth Burnett

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

Carried

Highway Department- New Hire

Justin Johnson has resigned from the Highway Department. Highway Superintendent, Dan Thorsell, received an application for employment and requested the board's approval to hire above the current MEO new hire rate due to the advance qualifications of the applicant which includes a current CDL.

Motion made by Councilman Thomas Carlson to permit the highway superintendent to hire a new MEO at 85% of the current MEO rate based on the additional credentials.

Second: Councilman Kenneth Burnett

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

Carried

Non- Agenda Items:

Supervisor Emhardt extended his gratitude to Deputy Clerk, Elizabeth Steinbach for her 8 years of service to the Town and congratulated her on her retirement. Her last day will be September 2, 2022.

Greg Bacon inquired about the status of the policing agreement with Chautauqua Institution. Supervisor Emhardt responded that this was on hold until after the November elections due to proposed legislation that would have an effect on any agreement pertaining to this.

Councilman Carlson previously requested an appraisal of lakeside property adjacent to the Village Lakeside Park belonging to The Lodge on Chautauqua Lake. Based on the appraisal, Mr. Carlson requested the Board to consider making an offer to purchase the property either solely or in conjunction with the Village feeling it's an opportunity to enhance the park. Councilman Cummings stated the property has not been listed for sale and asked if the owners have expressed any interest in selling. Supervisor Emhardt stated he could not see the benefit of taking this property off the tax rolls but would talk with the owner to see if there is an interest in selling it. Councilman Carlson stated he would prefer to have a formal request sent from the Town's attorney.

Motion: by Councilman Thomas Carlson to have a letter sent from the Town's attorney to inquire if the owner is considering selling this piece of property.

Second: Councilman Scott Cummings

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

Carried

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

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 Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #008, Voucher # 465-530

Abstract # 006
Deposit of 06/15/2022 – 07/31/2022

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	48,077.22
B	GENERAL FUND – OUTSIDE VILLAGE	1,844.06
DA	HIGHWAY FUND – TOWNWIDE	39,629.86
DB	HIGHWAY FUND – OUTSIDE VILLAGE	28,748.13
H2	CPTL PJK – CHAUT HGHTS WATER	14.85
H4-	WATER DISTRICT 2	19,796.10
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	316.89
SL2-	DEWITTVILLE LIGHTING DISTRICT	318.55
SL4-	BAYBERRY LANDING LIGHTING DIST	20.02
SS1-	CHAUTAUQUA HEIGHTS SEWER DISTRICT	13.92
SW1-	CHAUTAUQUA HEIGHTS WATER DISTRICT	6,398.12
Total:		145,177.72

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 7:30 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

Rebecca Luba, RMC

Town Clerk

Town of Chautauqua