

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Highway Superintendent Dan Thorsell, Town Attorney, Joel Seachrist, Deputy Clerk, Jess Emhardt and Town Clerk, Rebecca Luba

Others Present: Tom Walsh 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 to the board for the September 14, 2020 and October 1, 2020 meetings.

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

Departmental Reports:

Town clerk monthly fees remitted for August totaled \$10,661.05 with the following disbursements; A Fund: \$1,363.70, B Fund: \$2,255.80, SS1 Fund: \$413.11, SW3 Fund: \$0.00. AG & Mrkts Animal Population Control: \$173.00, NYS DEC license sales: \$6,342.94, Dept. of Health: \$112.50.

Code enforcement office reported 40 building permits were closed in September with project cost totaling \$1,375,545.00. 24 permits were issued with the total project cost of \$359,680.00

Highway department report was submitted and filed. 104 tons of trash was picked up during the Town wide clean-up Sept. 14th -18th. Pulled shoulders on Haight Elm Flat Road. New shoulders on Burdick and Parker and pulled stumps on Brodt road.

Assessor's report was submitted and filed. The office is continuing to field calls and walk-ins regard school tax along with completing apportionments for property sales in which the parcels have been split. The 2021 exemption renewals are in the process of being mailed to property owners. Applicants must reapply by March 1, 2021. There was a small claims hearing regard a residence currently under construction and assessed at 70% completion. A decision will be received from the judge within 2-4 weeks. The Assessor attended the annual conference required for recertification credits.

Committee Reports:

Human Resource: Councilman Cummings reported that the committee is still reviewing the employ handbook and will have the Town Attorney review the draft prior to submitting to the Board for final approval.

Lake Clean-up: Supervisor Emhardt reported that with the lake being lowered early this year, the mobitrac program had to end September 24th as to prevent damaging the machines. A total of 827 ½ tons of loose vegetation were removed from the lake this year.

Public Comment: Tom Walsh, owner of 7878 Lyons Rd., addressed the Board regard ongoing property maintenance issues in his neighborhood. With the continued accumulation of junk and illegal structures around him, his property value has significantly decreased. He has been working with the Code Enforcement Officer for the past 2 years on the NYS property maintenance law with no resolve . Mr. Walsh requested help from the Board to review other avenues that would better enforce property maintenance issues to

protect adjacent homeowners. Supervisor Emhardt agreed with the frustration and asked the Town attorney what could be done. Due to the pandemic, courts are only hearing essential cases and property maintenance is not considered essential. It was suggested that the best long-term solution would be to establish a district court that solely dealt with zoning and building code violations. Unfortunately, this would require an act of legislation that would take time. In the meantime, he will contact the Code Office for information on the current property violations in place for this area and work on an alternative solution.

Agenda:

Capital Projects -Engineer update

Mike Manning, Engineer for Ramboll(OBG), reported on the status updates Town projects providing a written copy to the Board and Clerk.

Water District 2-Water Supply

Additional sites have been identified for water source supply investigation. Ramboll proposes focus on the East Lake Rd property owned by Jane Currie Revocable Trust or the Meadows Rd property owner by Parker. Both of which would support the installation of two wells on one site. Concurrently, they will continue the evaluation of property owned by Paul Stage. It is more cost effective to have both wells on one site eliminating the need for two separate treatment stations.

A proposal titled; Amendment No. 3-Additional Well Site(s) Investigation was presented to the Board requesting to amend the overall budget for the project from \$62,950 to \$116,780 for the site selection and investigation of 3 additional sites.

RESOLVED, that supervisor Donald Emhardt is hereby authorized to execute the amendment as presented increasing the original budget by \$53,830.00.

Motion made by Councilman Thomas Carlson

Second by Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Kenneth Burnett - Aye

Councilman Thomas Carlson – Abstained

Carried

Water District 2-Administrative Order on Consent(AOC)

The coagulant optimization evaluation for improved DBP precursors(organiacs) removal has been completed. A flushing program to reduce water age in the distribution system including the installation of flushing hydrants was forwarded on Oct. 6, 2020. Ramboll is working in conjunction with the Town, Greenbriar and Plant-IQ to determine the potential for control modifications to support the filter to waste (FTW) process and optimize filtration process. Ramboll will prepare the quarterly status report as required for the AOC.

Sewer District 1- North Extension

Preliminary drawings have been submitted for review and discussion. State Historic Preservation Office (SHPO) approval is in progress with preliminary acceptance. Project budget was decreased from \$3.1 million to \$2.9 million.

Sewer District 1- Pump Station and Force Main

Contract 1 - Final payment application was submitted by Ledge Creek finishing \$118,533.00 below bid. \$55,572.00 is being held in retainage until completion of warranty period.

Contract 2 - Final payment application from BECC electric is still pending but projected to finish \$15,000.00 below bid

Resolution- Luminaire Replacement

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-Let Contract

WHEREAS, The New York State Department of Transportation proposes the construction, reconstruction, or improvement of Bridge Replacement Project NY Route 430 over Dewittville Creek in the Town of Chautauqua located in Chautauqua County, PIN 5040.19, D264371, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project, **Relocation of Luminaire per contract documents** pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE, BE IT RESOLVED, That the Town of Chautauqua Board approves the **Relocation of Luminaire per contract documents** and the above mentioned work performed on the project and shown on the contract plan relating to the project and that the Town of Chautauqua will maintain or cause to be maintained the adjusted facilities performed as above stated and shown on the contract plans.

FURTHER RESOLVED, that Supervisor Donald Emhardt has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Chautauqua, and

BE IT FURTHER RESOLVED, the Clerk of the Town of Chautauqua is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Motion made by Councilman Scott Cummings to adopt the resolution as presented.

Second: Councilman Dave Ward

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

Carried

Public Hearing: Special Use Permit- Centralia-Hartfield Rd Saw Mill

Notice of hearing was published in the Post-Journal on 10/06/20.

Motion made by Councilman Scott Cummings to open the hearing 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

The Board reviewed the application and Zoning Board recommendation for operation of a sawmill by Wallie Byler located at 6158 Centralia Hartfield Rd., Dewittville, NY 14728 and designated on the Chautauqua County Tax Map as Section 246.00, Block 2, Lot 60.

No comments in favor or opposition were received by the clerk. Floor was open for comment in which there were none.

Motion made by Councilman Thomas Carlson to close the hearing at 7:16pm.

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

Negative Declaration

WHEREAS, Wallie. Byler (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit that would permit the operation of a sawmill at 5844 Dean Road, which is designated as tax map parcel Section 196.00, Block 1, Lot 17.1, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Parts I and II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Motion made by Councilman Dave Ward to accept the Negative Declaration.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Ken Burnett -Aye
Councilman Thomas Carlson – Absent

Carried

Action of the Board:

To consider the application of Wallie. Byler for a Special Use Permit allowing him to operate a saw mill on property located at 6158 Centralia-Hartfield Road, Dewittville., NY and designated as tax map parcel Section 246.00, Block 2, Lot 60.

WHEREAS, Wallie Byler, hereinafter called the “applicant”, has submitted a special use application requesting permission to operate a saw mill, pursuant to Section 143-28(H)(13) of the Town of Chautauqua

Zoning Code, on property located at 6158 Centralia-Hartfield Road in the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed action was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on September 15, 2020, after publication of legal notice, at which time all persons having an interest in the application were heard, and recommendations in writing were made by that board, and

WHEREAS, the Town Board has considered all the facts and papers before it, including the recommendations of the Town of Chautauqua Zoning Board of Appeals made after its September 15, 2020 hearing, and having heard those wishing to be heard at a public hearing held August 13, 2020, after publication of legal notice, and finds that the applicant will comply with all requirements of Section 143-28(H)(13) of the Zoning Code, and further finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application for a Special Use Permit to operate a saw mill at 6158 Centralia-Hartfield Road, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The applicant shall undertake the permitted use in accordance with the map and plans prepared, upon information and belief, by the applicant and submitted to the Town with the application, and to be bound by the terms of the application and the conditions of this permit, which are as follows:
2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.
4. The applicant shall commence construction of at least one storage building within one year of the issuance of this Permit; if the use has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new Permit should it intend to continue the project.
5. Any failure or omission on the part of the applicant to carry out the conditions or requirement herein or accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Chautauqua Zoning Code and unless corrected in not more than ten (10) days following the service of written notice of such violation upon the applicant, may subject the applicant to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
6. This Special Use Permit shall become effective after the applicant approves each and every provision hereof and agrees to be bound by all of the terms of herein contained in consideration of the granting of this Special Use Permit.

Motion made by Councilman Scott Cummings to adopt the resolution approving the operation of a sawmill located at 6158 Centralia Hartfield Road.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Ken Burnett -Aye

Councilman Thomas Carlson – Absent

Carried

CMB Lease Agreement- Mayville Tremaine

The current 10-year lease agreement with Mayville Tremaine Insurance is set to expire on December , 2020^t. After review, the Board determined to keep the same terms but changing of the current agreement, no change other than the length

RESOLVED, that supervisor Donald Emhardt is hereby authorized to execute a renewal of the lease agreement with Mayville Tremaine Insurance Agency to provide office space in the Chautauqua Municipal Building located at 2 Academy Street, Mayville, New York, for a five-year term starting December 1, 2020

Motion made by Councilman Thomas Carlson

Second by Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Kenneth Burnett - Aye

Councilman Thomas Carlson – Aye

Carried

Town Court- Authorization for Grant Application

A request was submitted by the Town of Chautauqua Court for authorization to apply for grant money through the NYS Justice Court Assistance Program(JCAP) to remove and replace the peeling tint on the courtroom windows and the replacement of the faulty outdated walk through security scanner.

Resolved, The Town of Chautauqua Board authorizes the Town of Chautauqua Court to apply for a JCAP grant in the 2020-21 grant cycle.

Motion made by Councilman Scott Cummings

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

Motion made by Councilman Thomas Carlson to approve the Supervisor's report for September.

Second by Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Kenneth Burnett - Aye

Councilman Thomas Carlson – Aye

Carried

Motion made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #010, Voucher # 558-640

ABSTRACT # 010
DEPOSIT OF 09/01/2020 - 11/15/2020

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
A	GENERAL FUND - TOWNWIDE	39,943.38
B	GENERAL FUND - OUTSIDE VILLAGE	1,967.78
DA	HIGHWAY FUND - TOWNWIDE	14,733.46
DB	HIGHWAY FUND - OUTSIDE VILLAGE	31,782.84
H3-	SEWER & WATER EXPANSION	1,100.00
H5-	SEWER DISTRICT I	3,668.41
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	294.75
SL2-	DEWITTVILLE LIGHTING DISTRICT	291.19
SL4-	BAYBERRY LANDING LIGHTING DIST	18.09
SS1-	CHAUT HEIGHTS SEWER DISTRICT	330.50
SW1-	CHAUT HEIGHTS WATER DISTRICT	10,191.55
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	46,411.93
Total:		150,733.88

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

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 7:43p.m.

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

Rebecca Luba, RMC
 Town Clerk
 Town of Chautauqua