

Mayville, NY

Regular Meeting

November 8, 2021

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings, Highway Superintendent, Dan Thorsell, Zoning Clerk, Elizabeth Steinbach, Town Attorney, Joel Seachrist, Town Justice, Tim Hull and Town Clerk, Rebecca Luba

Agenda Speakers: Mike Manning(Ramboll), Drew Reilly(Wendel), Peter McAuliffe(Omnis Navitas)

Others Present: Gregory Bacon(Post-Journal), Marty Proctor, Alan Akin, Richard Syper, Mike Barnes, Chris Majewski, Jeff Wagner and Karen Engstrom(Harvey).

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 October 13th and October 27, 2021.

Second: Councilman Thomas Carlson

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

Carried

Public Comments (Non-Agenda Items):

Chris Majewski addressed the Board stating his children have been the ones driving the all-terrain vehicles on Town property located off Patterson St. He knows there has been complaints about this but stated that it is only a small area they use behind the highway barn as a turn-around to go back to their property. He carries full insurance and assured the Board that in the event something was to happen, the Town would not be held responsible. He asked the Board if they would consider allowing the continued use of this section and would be willing to sign a waiver. The Town's attorney will research this further and consult with the Board prior to any permission being given.

Departmental Reports:

Town clerk monthly fees remitted for October totaled \$27,812.36 with the following disbursements. A Fund: \$795.77, B Fund: \$2,523.20, SS1 Fund: \$18,390.59, SW3 Fund: \$4,785.93. AG & Mrkts Animal Population Control: \$79.00, NYS DEC license sales: \$1,080.37, Dept. of Health: \$157.50 School tax collection has ended, and reports are being finalized to send to the County and School. Dog license renewals and reminders were mailed. Second notice sent for all unpaid sewer and water accounts which will be levied to their 2022 Property tax bill if not paid by Nov. 19, 2021. Town offices will be closed for Thanksgiving on Thursday Nov. 25th and Friday Nov. 26th.

The 45-day referendum on petition for Local Law 1 of 2021 opting out of cannabis dispensaries and on-site consumption sites ended 10/28/21. No petition or objection was received, and law was officially filed with the Department of State on 10/29/21.

Zoning department reported 1 variance for a new garage is scheduled for their meeting on Nov. 16th.

Building Department reported 26 building permits issued in October with a total project value of \$1,632,429.20 and 26 Certificates of Completion issued with a total project value of \$164,350.00

Highway reported roadside brush and tree cutting with the CAT and Gradall. Driveway tubes installed on Wright Rd. Installed plow equipment and checked over all trucks for winter. Mixed salt and sand loaded in new salt shed.

Assessor's report was submitted and filed in the Clerk's office. 2022 exemption renewals were mailed to all property owners needing to reapply by the March 1st deadline. The 2021 assessment roll were forwarded to the County for calculation of tax rates for the Town and County tax bills. The office is currently reviewing building permits and doing fieldwork for the 2022 assessment roll.

Committees:

Insurance: The insurance committee met to discuss the Interim Pandemic Guidelines increasing vacation carry-over from 5 to 10 days and decided it no longer applies since travel restrictions have been lifted. The committee feels it would be in the Town's best interest to remove the interim policy.

Motion: made by Councilman Scott Cummings remove the Interim Pandemic Guidelines from the employee handbook.

Second: Councilman Thomas Carlson

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

Carried

Agenda:

2022 Budget

The Board reviewed the Preliminary budget with amended changes discussed at the public hearing held October 27, 2021. No further comments or changes to the budget were made.

Motion made by Councilman Thomas Carlson to adopt the preliminary budget as the final budget.

Second: Councilman Scott Cummings

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

Carried

Water District 2- Engineering Update

Mike Manning submitted a project update report to the Board on the following:

Water District 2 Water Source and Extension

Currently working on property acquisition for well site. Coordinating with NYSDOH and CCDOH for offset requirements for building site. Developing preliminary equipment design and layout based on district extension EDU impacts. Received executed agreement with Frey Well Drilling. Updated

SEQRA forms to include extension and re-opened coordination with SHPO for Rte 430 extension. Currently preparing EFC WIIA grant application due November 22, 2021

Water District 2 Order on Consent

Next quarterly report is due by January 31, 2022

Sewer District 1 Extension 1 North

Preparing applications for WIIA grant and State Revolving Funds Financing application due November 22, 2021.

Water District 2 Extension- Engineering Amendment No. 6

A proposal to amend the current agreement with Ramboll for engineering services was reviewed by the Board. Amendment would cover field investigation work for the Water District 2 Extension, prepare final drawings for the pipeline alignment and obtain permitting and regulatory approvals for extended area.

Motion made by Councilman Scott Cummings to accept engineering amendment No. 6 in the amount of \$40,670.00 and authorizes the Town Supervisor to sign the proposal as presented.

Second: Councilman Kenneth Burnett

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

Carried

Water District 2- Resolution to Submit WIIA Grant Application

Approval To Submit WIIA Grant Application For Water District 2 Extension

Whereas, The Town is replacing the water source for Water District 2 and extending water service to ultimately serve 345+/- customers within the expanded Town of Chautauqua Water District 2.

Whereas, in accordance with the requirements of the Water Infrastructure Improvement Act (WIAA), the Town intends to submit an application to New York State Environmental Funding Corporation (NYSEFC) to procure grant funding in furtherance of the project.

Now, Therefore, Be It Resolved, that the Town Board hereby is authorized to prepare and submit an application to the NYSEFC for WIAA grant funding and all required supporting documentation for Water District No. 2 Extension project.

Motion made by Councilman Kenneth Burnett to adopt the resolution as presented.

Second: Councilman Thomas Carlson

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

Carried

Water District 2 Extension- SEQRA Negative Declaration

Notice of Determination of Non-Significance for Water District No. 2 Water Supply

WHEREAS, the Town of Chautauqua is proposing to abandon the existing surface water supply and treatment system for Water District No. 2, develop a new groundwater supply system at an alternate location and extend Water District No. 2 immediately south of and bounded by CWD No. 2, and bounded by Chautauqua Lake to the West, and the Town Line of Chautauqua to the South and West,

WHEREAS, the proposed action 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 long Environmental Assessment Form and Coastal 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 action, and

WHEREAS, the Board has determined that the proposed will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared.

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

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

Second: Councilman Kenneth Burnett

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

Carried

Water District 2 Extension- Order Calling Public Hearing

In The Matter of The Extension of Water District No. 2 in the Town of Chautauqua, Chautauqua County, New York

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has duly caused to be prepared a map showing the boundaries of a proposed extension 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 boundaries of the proposed extension of said District shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the installation of two (2) groundwater wells in the hamlet of Dewittville; construction of a support building of approximately 900 square feet to house pressure filters, water softening equipment, chlorination equipment, exterior clear wells, and electrical/instrumentation systems; 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 maximum estimated cost of said improvements is \$3,953,000; 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 Drinking Water State Revolving Fund administered by the New York State Environmental Facilities Corporation; and

WHEREAS, all users within the existing and extended 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 \$2,000,000 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) \$872.64; and (2) to customers within the extension area who are benefitted but not connected (122 half-EDU), \$163.34.

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 \$573.64; 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 \$417.66; 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 matter 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 upon the question of the extension of of said District and the improvements proposed therefor, all pursuant to Section 209-d 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 19th day of November, 2021, at 10:00 o'clock A.M., Prevailing Time, for the purpose of holding a public hearing to consider the extension and increase and improvement of the Water District in said Town as described in the preambles hereof, and the improvements proposed therefor, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

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, including said District hereinbefore described, except that the area currently served by water within said District shall be treated as a separate benefit district within the large 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 and set the public hearing for Friday, November 19, 2021 at 10a.m.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye
Councilman, Thomas Carlson-Aye
Councilman Dave Ward – Aye
Councilman Kenneth Burnett – Aye

Carried

Sewer District 1 Extension 1 North- Resolution to Submit WIIA Grant Application

Approval To Submit WIIA Grant Application For Sewer District 1 Extension 1 North

Whereas, The Town intends to extend public sewers to serve 90+/- homes within the existing Town of Chautauqua sewer district number 1 extension 1 North(SD-1-E1N).

Whereas, in accordance with the requirements of the Water Infrastructure Improvement Act (WIIA), the Town intends to submit an application to New York State Environmental Funding Corporation (NYSEFC) to procure grant funding in furtherance of the project.

Now, Therefore, Be It Resolved, that the Town Board hereby is authorized to prepare and submit an application to the NYSEFC for WIIA grant funding and all required supporting documentation for the SD-1-E1N project.

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

Second: Councilman Kenneth Burnett

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

Carried

Sewer District 1 Extension 1 North- Set Public Hearing

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 Sewer District No. 1 In And For Said Town At A Maximum Estimated Cost Of \$2,898,000.

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 estimate of cost for a proposed increase and improvement of the facilities of a benefit district to be designated as “Extension No. 1 North” located within the Town of Chautauqua Sewer District No. 1, consisting of the installation of approximately 8,000 linear feet of low-pressure sewer mains, 53 grinder pumping stations, 5 connections to an existing force main, original furnishings, equipment, machinery, apparatus and other costs incidental thereto; and

WHEREAS, the proposed boundaries of the benefit district are set out in Appendix B of the Preliminary Engineering Report prepared by Ramboll, the Town’s engineer for the project, which is on file in the office of the Town Clerk; and

WHEREAS, the proposed benefited area would be added to and become part of the existing Town of Chautauqua Sewer District No. 1; and

WHEREAS, the improvements are as follows: approximately 8,000 linear feet of low-pressure sewer mains, 53 grinder pumping stations, and 5 connections to an existing force main; and

WHEREAS, the maximum estimated cost of such increase and improvement of facilities is \$2,898,000; and

WHEREAS, the proposed method to be employed for financing such improvement is a combination of low-interest loans and grants from the Clean Water State Revolving Fund, the Water Infrastructure Improvement Act, and the Water Quality Improvement Program, and the issuance of serial bonds for any balance, and

WHEREAS, the cost of the improvements to the typical one- or two- family, full-time resident home in the benefited area will be \$1,110.00 per year; and

WHEREAS, the proposed method of apportioning the costs of such improvement is on a benefit basis to the benefited properties within the Extension No. 1 North benefit district, and

WHEREAS, said map, plan and estimate of cost are on file in the office of the Town Clerk for public inspection; 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 RESOLVED, 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 19th day of November, 2021 at 10:00 o'clock A.M., prevailing time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Town of Chautauqua Sewer District No. 1 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. SEQRA DETERMINATION: It has been determined that the aforesaid purpose constitutes an Unlisted Action under the SEQRA regulations of the State of New York which will not have a significant impact upon the environment.

Section 3. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the *Jamestown Post-Journal*, the official newspapers of said Town, and posted in the manner prescribed by law

Motion made by Councilman Thomas Carlson to adopt the resolution setting the public hearing for Friday, November 19, 2021 at 10:00 a.m.

Second: Councilman Kenneth Burnett

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

Carried

North Chautauqua Lake Sewer District- Resolution

Support for the North Chautauqua Lake Sewer District Extension to Encompass the Mandolin Ridge Development

WHEREAS, a new development, Mandolin Ridge, is being constructed in the Town of Chautauqua in the immediate vicinity of the North Chautauqua Lake Sewer District infrastructure, and;

WHEREAS the development will include up to fifty-four residential and three commercial properties that will be served by the Town of Chautauqua Water District No. 4; and

WHEREAS the current boundaries of the North Chautauqua Lake Sewer District would need to be extended to include the development; and

WHEREAS all costs associated with construction of extension infrastructure will be borne by the Mandolin Ridge developer

WHEREAS the North Chautauqua Lake Sewer District proposes to undertake and fund the cost of a map and plan for the extension of their boundaries to encompass the new development; and

WHEREAS the Board of the District is petitioning the Chautauqua County Legislature to extend the boundaries of the District to include the development known as Mandolin Ridge;

NOW, THEREFORE, BE IT RESOLVED, the Town of Chautauqua Board hereby supports the petition to extend the North Chautauqua Lake Sewer District boundaries to include the Mandolin Ridge development located in the Town of Chautauqua

Motion made by Councilman Kenneth Burnett to adopt the resolution as presented.

Second: Councilman Thomas Carlson

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

Carried

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

Motion: made by Councilman Scott Cummings to continue the public hearing for the Omni Navitas Solar project on Hartfield-Stockton Rd. at 7:16 p.m.

Second: Councilman Thomas Carlson

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

Carried

Engineer from Wendel, Drew Reilly, presented the Board with his review and suggestions for the current project along with reviewing in each question contained in part 2 of the Full Environment Assessment Form. Mr. Reilly also presented suggested changes to the Town's Solar Law and application for future consideration. A full report was filed in the Clerk's office.

Peter McAuliff was present and discussed the engineers suggestions with the Board. A revised plan will be submitted prior to the next meeting to include the required side-yard setbacks, engineering plan to address grading and drainage of a pervious access road, landscaping plan to minimize visual impact, final equipment and information with documentation showing no PFAs and the Agricultural Data Statement.

A sample Special Use Permit was presented to the Board to finalize with adding conditions once all material is finalized and submitted.

Supervisor Emhardt opened the floor for public comment.

Karen Engstrom spoke in opposition to the project and asked the Board to take into consideration the agricultural impact this would have on the neighboring Amish community and reminded them of their letter that was signed by their member and submitted in opposition of the project.

No other comments were made, and hearing was left open for the December 13, 2021 regular meeting.

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

Second: Councilman Scott Cummings

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

Carried

ABSTRACT # 011
DEPOSIT OF 10/01/2021 - 11/30/2021

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1	
A	GENERAL FUND - TOWNWIDE	55,111.02
B	GENERAL FUND - OUTSIDE VILLAGE	505.55
DA	HIGHWAY FUND - TOWNWIDE	37,519.32
DB	HIGHWAY FUND - OUTSIDE VILLAGE	50,731.37
H4-	WATER DISTRICT 2	58,006.93
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	315.11
SL2-	DEWITTVILLE LIGHTING DISTRICT	319.44
SL4-	BAYBERRY LANDING LIGHTING DIST	20.19
SS1-	CHAUT HEIGHTS SEWER DISTRICT	273.68
SW1-	CHAUT HEIGHTS WATER DISTRICT	6,663.24
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	44,197.27
Total:		253,663.12

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #011, Voucher # 616-682

Second: Councilman Dave Ward

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

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:09p.m.

Second: Councilman Scott Cummings

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

Carried

Town Clerk
Town of Chautauqua