

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

Absent: Councilman, Dave Ward(Retired 11/19/21)

Others Present: Mike Manning(Ramboll), Jeff Wagner, Mike Barnes, Peter McAuliffe(Omni Navitas), Marty Proctor, John Jablonski(CWC), Greg Bacon(Post-Journal), Sheri Raynor, Chris and Amanda Majewski.

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 for the 11/8/21 and 11/19/21 meetings as presented to the board.

Second: Councilman Thomas Carlson

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

Carried

Departmental Reports:

Town clerk monthly fees remitted for November totaled \$5,522.07 with the following disbursements: A Fund: \$558.46, B Fund: \$1,276.80, SS1 Fund: \$1,767.18, SW3 Fund: \$542.45. AG & Mrkts Animal Population Control: \$69.00, NYS DEC license sales: \$1,254.85, Dept. of Health: \$157.50. 2022 Town and County tax collection will begin January 6, 2022. A total of \$3,063.49 in unpaid water/sewer charges were sent to the County to be relieved. Clerk’s office will close at noon on December 23rd through the 26th for Christmas and all-day Friday, December 31st for New Year’s. A records management grant was granted through Southern Tier West to scan all the Town’s vital records, marriages, and minutes from 1901-2003 converting them to a state approved digital format. This will greatly increase the security and longevity of our records while creating a much more efficient way to fulfill record requests.

Building Department reported that 17 building permits were issued in November with a total project value of \$827,500.00 and 15 permits were closed with a total project value of \$1,517,891.22.

Highway Department reported on plowing and cutting roadside brush when weather was mild. Snowmobile signs have been placed and they are currently getting the shop ready to paint.

Assessor’s report was submitted and on file. The office is processing STAR and exemption renewals received along with assisting new property owners on applying for the basic STAR and switching existing basic exemption holders turning 65 to enhanced. The 2022 assessment roll has been sent to the County for calculating the tax rate and printing the 2022 Property tax bills. Building permit review and field work are on going for the 2022 Assessment roll.

Committee Reports:

None reported.

Mike Manning from Ramboll, handed the Board a capital project update summary on the following:

Water District 2- Water Supply

WIIA grant was submitted on 11/22/21. Supporting the Town with property acquisition and district extension activities. Advanced preliminary design for Water Treatment Facility and pipeline. Working with the County and State Departments of Health. Agreement with Frey Well Drilling has been executed and drilling is scheduled to start in March. Completed updated SEQR and coordination with SHPO for Rt 430 extension. A bond resolution will need to be adopted by the Town for this project.

Water District 2- Order on Consent

Next quarterly report due January 31, 2022.

Sewer District 1 Extension 1 North

Bond resolution was adopted 11/19/21 and WIIA application was submitted on 11/22/21.

Public Comments:

Chris Majewski stated he received the letter from the Town regard his children using Town property to

Agenda:

CMB Gym Use

A request was submitted to the Board by David Turnball to use the gymnasium in the evenings to coach and instruct individuals in basketball. A schedule will have to be worked out for public gym use once pandemic restrictions are lifted.

Public Hearing – Franchise Agreement

Motion: made by Councilman Scott Cummings to open the public hearing at 7:11p.m. for the proposed Cable Franchise Agreement.

Second: Councilman Thomas Carlson

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

Carried

The floor was opened for comment in which there were none.

Motion: made by Councilman Thomas Carlson to close the public hearing at 7:12p.m.

Second: Councilman Kenneth Burnett

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

Carried

WHEREAS, an application has been duly made to the Town Board of the Town of Chautauqua, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and.

WHEREAS, a public hearing was held in the Town of Chautauqua, New York on December 14, 2020, 7:15 P.M. and notice of the hearing was published in the Jamestown Post-Journal on December 4, 2020 and

WHEREAS, the Town Board finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Chautauqua for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence; and be it further

RESOLVED, that the Town Board hereby confirms acceptance of this franchise renewal agreement

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

Second: Councilman Kenneth Burnett

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

Carried

Public Hearing – Dewittville Communication Tower

Motion: made by Councilman Thomas Carlson to open the public hearing at 7:15p.m. for the proposed Cable Franchise Agreement.

Second: Councilman Scott Cummings

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

Carried

The floor was opened for comment.

John Funka spoke in opposition of the tower due to it being within 500 feet of his line of site and inquired what type of tower was being installed and whether or not it would have lights. Jared Lusk, attorney for Tarpon Towers, addressed all of Mr Funka's concerns stating it was a 130-foot monopole tower which is the least obtrusive design in towers. The tower is shorter than FAA regulations, so it does

not need additional lighting other than one 25-watt light attached to the cabinet for technicians to use when they check the tower 1-2 times a month.

Deborah Funka and Karen Harvey voiced concern on the RFs emitted from the Tower. Mr. Lusk directed the audience to tab ‘M’ of the application showing that they are well within federal guidelines and then gave a short history on cell towers and how much they have progressed.

Maripat Kayes spoke in favor of the tower stating how the lack of coverage in the area has created a hardship for schooling her children when schools closed due to the pandemic.

Motion: made by Councilman Thomas Carlson to close the public hearing at 7:48p.m.

Second: Councilman Scott Cummings

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

Carried

State Environmental Quality Review

WHEREAS, Tarpon Towers II, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless, hereinafter called the “Applicants”, have submitted a special permit application requesting permission to construct and operate a telecommunications facility on land owned by Jane Currie Revocable Trust on a parcel adjacent to Springbrook Road, which is designated on the Chautauqua County Tax Map as Section 264.00, Block 2, Lot 12., which is located in the Residential-Agricultural (R-A) District, 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 Thomas Carlson to adopt the negative declaration as presented

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

Carried

Special Permit

Action of the Board:

To consider the application of Tarpon Towers II, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless for a special use permit and site plan approval that would allow the construction and operation of a telecommunications facility on land owned by Jane Currie Revocable Trust on a parcel adjacent to Springbrook

Road, which is designated on the Chautauqua County Tax Map as Section 264.00, Block 2, Lot 12. The communications facility as proposed would consist of a 130' monopole tower and equipment appurtenant thereto.

WHEREAS, Tarpon Towers II, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless (hereinafter, collectively, the "Applicants") submitted an application on or about October 17, 2020, requesting permission to construct and operate a new 130' monopole telecommunications tower to be located on property owned by Jane Currie Revocable Trust and designated on the Chautauqua County Tax Map as Section 264.00, Block 2, Lot 12 (the "Premises"); and

WHEREAS, the Town of Chautauqua Zoning Board of Appeals conducted site plan review and made a report and recommendation to the Town Board following a meeting held November 17, 2020, and found that the site plan met all criteria of the Town's Zoning Code and recommended that this Board approve the application subject to certain conditions, and

WHEREAS, the Chautauqua County Planning Department by letter dated December 11, 2020, in response to a zoning referral submitted pursuant to Section 239-m of the General Municipal Law, advised that the proposed action was of local option, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a Negative Declaration was issued on December 14, 2020, after examination of the record and public hearing, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a number of public meetings held since the application was submitted, and finds justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE BE IT RESOLVED, that the application to construct and operate a telecommunications tower and the structures and equipment appurtenant thereto (the "facility") on the parcel of land located of Springbrook Road on Section 264.00, Block 2, Lot 12, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. Before the applicants operate the facility, all development and construction on the site shall comply with the site plans and maps submitted with the application, *except as hereinafter modified*.
2. The Applicants shall comply at all times with the current applicable standards and regulations of the FCC and FAA, and of all other agencies of the federal government with authority to regulate such facilities.
3. The tower shall be inspected and maintained in accordance with the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
4. The Applicants shall screen the facility, particularly the ground buildings and fence, to the greatest extent possible by trees and/or foliage, which shall be planted in a manner so as to shield the view of the tower from passers-by on Springbrook Road.
5. The terms, conditions, and requirements of this special permit bind and obligate the applicants, their successors, and assigns.
6. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Chautauqua Zoning Board of Appeals.
7. This permit shall expire automatically if the facility is not operational by December 14, 2021.
8. This permit shall become effective after the applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this special permit.

Motion: made by Councilman Thomas Carlson to approve the Special Permit for Tarpon Towers.

Second: Councilman Scott Cummings

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

Carried

Assessment Office- Staffing

The office is currently going through a Town wide revaluation in which the former Assessor, Kevin Okerlund will be assisting 10-15 hrs/ week. This is allotted in the current budget but needs Board approval.

Motion: made by Councilman Scott Cummings to hire Kevin Okerlund 10-15 hours a week at a rate of \$42.00/hour until the revaluation is complete.

Second: Councilman Thomas Carlson

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

Carried

Town Constable Appointment – Felix DeJesus

A request was submitted by Joe Gerace of the Chautauqua Institution Police Department for a new constable appointment along with the required training certifications.

Motion: made by Councilman Scott Cummings to appoint Felix DeJesus as Town Constable while employed with the Chautauqua Institution.

Second: Councilman Kenneth Burnett

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

Carried

MOA- Town Constable Public Safety Radio Network

A proposal was submitted for the Board's review in regard to getting Town Constables on the current public safety radio network. The Board discussed the agreement and felt it should be signed and agreed upon by the Sherriff's Department and Chautauqua Institution prior to the Board's vote.

Pandemic Planning Committee

Norma Cummings has agreed to assist the Town of Chautauqua on a State approved pandemic plan that needs to be in place by April 1, 2021 and has requested the Board to consider putting a committee in place. Anyone interested should contact the Town Supervisor.

Motion: made by Councilman Scott Cummings to set a public hearing for the 2021 Organizational meeting on Saturday, January 2, 2020 at 9AM.

Second: Councilman Thomas Carlson

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

Carried

Motion: made by Councilman Thomas Carlson to approve the Supervisor’s report for November.

Second: Councilman Scott Cummings

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

Carried

Motion made by Councilman Thomas Carlson to approve the vouchers as presented to the board for payment. Abstract #012, Voucher # 704-776

ABSTRACT # 012
DEPOSIT OF 10/01/2020 - 12/31/2020

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1	
A	GENERAL FUND - TOWNWIDE	583,434.55
B	GENERAL FUND - OUTSIDE VILLAGE	12,086.91
DA	HIGHWAY FUND - TOWNWIDE	54,771.59
DB	HIGHWAY FUND - OUTSIDE VILLAGE	67,266.56
H3-	SEWER & WATER EXPANSION	11,617.71
H4-	WATER DISTRICT 2	2,018.00
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	306.26
SL2-	DEWITTVILLE LIGHTING DISTRICT	307.70
SL4-	BAYBERRY LANDING LIGHTING DIST	19.35
SS1-	CHAUT HEIGHTS SEWER DISTRICT	16,158.20
SW1-	CHAUT HEIGHTS WATER DISTRICT	10,143.78
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	24.16
Total:		758,154.77

Second: Councilman Scott Cummings

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

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:16 P.M.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye

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

Carried

Rebecca L. Luba, RMC
Town Clerk
Town of Chautauqua