

Mayville, NY

Regular Meeting

January 13, 2020

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Town Justice, Tim Hull, Town Clerk, Rebecca Luba, Deputy Clerk, Elizabeth Steinbach, Highway Superintendent, Dan Thorsell, Town Historian, Devon Taylor.

Others Present, Emmett Tenpas, Andrew Johnson, Joe Gerace, John Shed, Sandy 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 of 12/09/19 and 1/02/20

Second: Councilman Kenneth Burnett

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

Carried

Departmental Reports:

Town Clerk report for December submitted and on file. Monthly fees remitted totaled \$2,388.32; Dog License sales of \$277.00; Conservation sales of \$195.00, Building/Zoning fees of \$1,207.70, 9 Record Requests were completed and 1 Marriage license was issued.

Town Clerk's Annual Report was copied and submitted to the Board. Total Receipts for 2019 totaled \$75,240.21 matching Disbursements; 51 Marriage Licenses issued totaling \$2,040.00; Dog License Sales \$5,967.00; Conservation Sales \$18,638.00 with annual commissions being \$906.88; Building/Zoning Fees \$21,238.60. Quarterly billing for Water District 3 and Sewer District was processed and mailed.

2019 Tax Collection officially began January 6th and will continue through February 4th penalty free. A 1% penalty will be added February 5th through February 29th and 2% penalty effective March 1st through the end of collection on April 1st , 2019.

Audit for the Town Clerk and Tax Collector was completed 1/10/20. Copy is on file for review.

Historian's Annual Report was submitted, filed with the Clerk's office and copied to the Board.

Assessor's report submitted and on file. All property owners on the enhanced STAR program do not have to reapply with the local Assessor's office. The State will be verifying incomes automatically. If the office receives notification of anyone not qualifying, they will be contacted directly by the Assessor's office. Those on the senior exemption will need to reapply with the office. Renewals have been mailed and applications must be received by the taxable status date of March 1st .

Deputy Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 12 building permits with project values of \$831,750.00 and 18 permits were closed with project values of \$737,779.00.

Highway reported on brush cutting, plowing and sanding for December. Rebuilt the hydraulic tank on #5 and went to Valley Fab to pick-up new plow and wing.

Public Comment:

Emmett Tenpas of Mayshark Builders presented the Board with a plan for a five-story hotel in the Commercial-Tourism District located along Chautauqua-Steadman Rd. and Rt 394 to coincide with the Mandolin Ridge Sub-Division which currently shows three commercial lots on their design. The Board previously asked to see what they had in mind for the commercial lots to ensure the proper infrastructure will be designed to accommodate proposed development.

Committees:

Water and Sewer

Supervisor Emhardt state that the upgrades to Sewer District 1 are now complete and operational. A meeting with the Town Engineer is scheduled for Jan. 29, 2020 to discuss the next steps in expanding Town districts for both water and sewer.

Agenda Items:

Resolution: Notice of Intent, Lead Agency-Mandolin Ridge Sub-Division SEQR

Whereas, H & H Chautauqua Development, LLC has proposed the subdivision of land near the intersection of Route 394 and Chautauqua-Stedman Road that would create approximately 54 half-acre residential building lots and two new commercial lots; and

Whereas, the proposed project also includes the creation of a new Town highway and new water and sewer districts to serve the development area; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Type 1 action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, the Lead Agency will undertake a coordinated review of this proposed action.

Now, Therefore, Be It Resolved, that the Town Board hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notices along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

Motion made by Councilman Thomas Carlson to adopt the resolution as presented.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye

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

Carried

Town Constable

John Shed and Joe Gerace were present to answer any questions in regard to their recent inquiry about a Town Constable and the Memorandum of Understanding(MOU) that was submitted by their Attorney, Sam Price, to establish the proposed terms and conditions of the Town of Chautauqua's constable relationship with Chautauqua Institution.

After review and discussion of the MOU, the Board requested a change to the paragraph on Court security assistance to include mutual agreement on scheduling and additional constable services as requested by the Town. A formal agreement including the changes discussed will be drafted by Chautauqua Institution's attorney and forward to the Board for their review and consideration.

In addition, a local law establishing the office of Town Constabulary would need to be adopted prior to executing a formal agreement between the Town of Chautauqua and Chautauqua Institution. Town Attorney, Joel Seachrist, stated he would have the law drafted and ready for the Board's review prior to the next meeting.

Motion made by Councilman Thomas Carlson to move to set a public hearing for Local Law 1 of 2020 establishing the office of Town Constabulary on Monday, February 10, 2020 at 7:15PM.

Second: Councilman Scott Cummings

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

Carried

Bid -Highway Equipment

Town Highway Superintendent, Dan Thorsell, presented the Board with a quote that was received through the co-op purchasing agency, Sourcewell, for a wheeled excavator.

Motion made by Councilman Scott Cummings to accept the bid submitted by Milton Cat for a New 2017 M318F Wheeled Excavator with swing coupler at NYS Contract #66988 price of \$268,955.00.

Second: Councilman Thomas Carlson

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

Carried

Resolution -Town Court Audit

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town and Village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and entered into the minutes of the board's proceedings.

WHEREAS, an audit committee consisting of two board members conducted an audit of the 2019 court records on January 10, 2020.

WHEREAS, the records have been duly examined , and all fines collected in 2019 have been paid to the proper officials of the Town as required by law.

WHEREAS, a satisfactory report was submitted to the Town Board and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Board for the Town of Chautauqua acknowledges the completed audit report as submitted with no issues found

Motion made by Councilman Thomas Carlson to accept the resolution and audit as presented.

Second: Councilman Scott Cummings

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

Carried

Records Destruction and Audit- Town Clerk/Tax Collector

The annual audit for the Town Clerk and Tax Collector was completed by Councilmen Ward and Burnett and everything was found satisfactory. Report is on file in the Clerk's office. Record Destruction Report was submitted to the Board by the Town Clerk's office for the disposition of 2013 and 2016 records according to the MU-1 records retention schedule. Heather Young-Deyell and Anne Golley

Appointment-ZBA Alternate

The Zoning Board of Appeals is in need of a 2nd alternate. After consulting with the zoning chairman, Supervisor Emhardt recommends Tim Milliman.

Motion made by Councilman Scott Cummings to Appoint Tim Milliman as the 2nd alternate for the Zoning Board of appeal for a 1-year term.

Second: Councilman Thomas Carlson

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

Carried

Cable Franchise

The Current Franchise agreement with Time Warner Cable has expired and a new agreement needs to be drafted. The Town was originally contacted by Chuck Kelsey and Peter Clark to collaborate on a new agreement but was never completed. Town Attorney, Joel Seachrist will draft a new agreement for the Board's review.

Appointment- Appraiser Technician

There is an opening in the Assessor's Office for an Appraisal Technician. Assessor, Kevin Okerlund suggested hiring two part-time appraisers, with a combined total of hours not to exceed 30hrs/week at \$20/hr.

Motion made by Councilman Scott Cummings to accept the Assessor's recommendation and hire Heather Young-Deyell and Anne Golley to serve as appraiser technicians for the Town of Chautauqua.

Second: Councilman Kenneth Burnett

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

Carried

Discussion:

Town Attorney advised the Board of large solar farms that are currently being proposed in neighboring townships. In addition, the increase in renewable energy has lead to a need for battery storage units. The Town currently does not have a law in place regulating these units. Attorney Seachrist will draft a local law for the Board's review.

No Supervisor's Report

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #013, Voucher #830-888 and Abstract #001, Voucher #001-019

ABSTRACT # 013
DEPOSIT OF 12/01/2019 - 01/31/2020

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4		
A	GENERAL FUND - TOWNWIDE	25,722.62
B	GENERAL FUND - OUTSIDE VILLAGE	7,850.87
DA	HIGHWAY FUND - TOWNWIDE	28,335.32
DB	HIGHWAY FUND - OUTSIDE VILLAGE	7,551.21
H3-	SEWER & WATER EXPANSION	41,050.70
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	312.29
SL2-	DEWITTVILLE LIGHTING DISTRICT	316.02
SL4-	BAYBERRY LANDING LIGHTING DIST	20.00
SS1-	CHAUT HEIGHTS SEWER DISTRICT	23,802.87
SW1-	CHAUT HEIGHTS WATER DISTRICT	8,099.09
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	42.63
Total:		143,103.62

ABSTRACT # 001
DEPOSIT OF 12/01/2019 - 01/31/2020

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4		
A	GENERAL FUND - TOWNWIDE	21,700.63
DA	HIGHWAY FUND - TOWNWIDE	12,136.88
DB	HIGHWAY FUND - OUTSIDE VILLAGE	1,222.86
SW1-	CHAUT HEIGHTS WATER DISTRICT	129,126.06
Total:		164,186.43
Total:		164,186.43

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

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:30 P.M.

Second: Councilman Scott Cummings

Vote: Supervisor Donald Emhardt – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Carried

Rebecca Luba, RMC

Town Clerk

Town of Chautauqua