

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Thomas Carlson and Scott Cummings. Town Clerk, Rebecca Luba, Deputy Clerks, Jessica Emhardt, Elizabeth Steinbach, Maintenance/Village Mayor, Ken Shearer, Highway Superintendent, Dan Thorsell, Town Justice, Tim Hull and Town Attorney Joel Seachrist

Absent: Councilman Dave Ward.

Others Present: Andy Caruso, Billy Leone, Robert Benjamin, Jessie Briggs, Chad Hall, Pete Weathlow, Joe Gerace, John Shedd, Norma Cummings, Mike Manning, Bill and Pat Locke,

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 January 13, 2020 as presented.

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

Departmental Reports:

Town Clerk monthly report for January was submitted and filed. Collections totaled \$32,718.99 and disbursed as follows: Supervisor-General Fund: \$2,436.54, DB Fund: \$792.00, Sewer User Fees-SS1 Fund: \$27,834.30, Sale of Water- SW3 Fund: \$1,453.75, NYS DEC license sales: \$61.40,NYS Animal Population Control program: \$141.00. Record searches completed: 13

Penalty free period for tax collection ended February 4th, 2020. Second notices will be mailed out on Friday, February 14th for remaining unpaid taxes.

Town Court monthly report was submitted and filed in the Clerk’s office for Board review.

Assessor’s report submitted and on file. The office is currently processing applications that have been received for the STAR, Aged and Ag land exemptions. 2nd notices have been sent to those who have not yet reapplied. The deadline for these applications is March 1, 2020. The office will start making phone calls next week. The appraiser is updating pictures and reviewing closed building permits.

Deputy Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 9 building permits with project values of \$232,664.00 and 3 permits were closed with project values of \$330,000.00.

Highway reported on activities which included plowing and sanding. New truck was delivered. A check for \$14,686.00 was received from FEMA for the 2015 storm. Brodt road has been surveyed. Request was made to post roads in the Town of Chautauqua.

Motion made by Councilman Thomas Carlson to post the roads as needed within the Town and advertise posting in the Post-Journal.

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

Supervisor Emhardt reported that the Town of Chautauqua was awarded a grant through the Chautauqua Lake & Watershed Management Alliance in the amount of \$90,000.00 to purchase another Mobitrac for shoreline cleanup. A grant agreement is currently being drafted and will be forwarded to the Board upon completion.

Upgrades to Sewer District 1 are now complete and operating.

Public Comment:

None.

Agenda Items:

Mandolin Ridge Development

Notice of intent as lead agency for the State Environmental Review (SEQR) of the proposed Mandolin Ridge Development has been sent to all involved/interested agencies. A meeting with the Zoning Board of Appeals has been set for site plan review on Tuesday, February 18, 2020. A public hearing is required for review and comment of the proposed development and action on SEQR..

Motion made by Councilman Scott Cummings to set a public hearing for Monday, March 9, 2020 at 7:15P.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

Local Law 1 of 2020- Town Constable

Notice for public hearing submitted and published on 1/30/20

Motion made by Councilman Thomas Carlson to open the public hearing for Local Law 1 of 2020- establishing the office of Town Constabulary at 7:15P.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

Supervisor Emhardt reviewed the proposed Local Law with the Board and public. Comments were made by the public body attending in support of the proposed law. None opposed.

Attorney Seachrist voiced a concern received on the 3-year experience requirement. Having this restriction would limit the Town's capability of appointing new graduates from the police academy.

Motion made by Councilman Scott Cummings to close the public hearing for Local Law 1 of 2020- establishing the office of Town Constabulary at 7:21P.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

Motion made by Councilman Thomas Carlson to adopt Local Law 1 of 2020 establishing the office of Town Constabulary as submitted with the amendment to remove the minimum experience requirement of 3 years.

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

Agreement- Chautauqua Institution

Attorney Seachrist requested the Board’s action on the proposed joint cooperation agreement previously submitted to the Board establishing terms and conditions of a Town Constable relationship with Chautauqua Institution. Councilman Cummings voiced concerns with no communication between Chautauqua Institution and the County dispatch and requested that the Institution continue working to resolve this. In addition, the Town should not incur any costs associated with the appointment of Chautauqua Institution employees as constables.

Motion made by Councilman Scott Cummings to authorize the Town Supervisor to sign the agreement with the amendment to Item No. 3 of the Joint Cooperation agreement that Chautauqua Institution shall be responsible for the salaries and all costs associated with Town appointed constables employed by 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

Water District 2- Water Supply Engineering Proposal

A Proposal was submitted by Ramboll (formerly O’Brien & Gere Engineers, Inc.) for engineering services to further explore the potential of constructing a groundwater source to replace the current source for the Town of Chautauqua Water District No. 2, Water Treatment Plant which draws solely from Chautauqua Lake.

Motion made by Councilman Scott Cummings to accept the proposal as submitted authorizing the Town Supervisor to sign the agreement not to exceed \$27,500.00.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Thomas Carlson – Abstained(employed by engineer)
Councilman Kenneth Burnett – Aye
Councilman Dave Ward – Absent.

Carried

Sewer District 1 Extension 1 North- Public Sewer Extension Engineering Proposal

A Proposal was submitted by Ramboll (formerly O'Brien & Gere Engineers, Inc.) for engineering services related to extending public sewers to the Extension 1 North area, generally located between Galloway Road, Chautauqua Lake Estates and Rout 430.

Motion made by Councilman Scott Cummings to accept the proposal as submitted authorizing the Town Supervisor to sign the agreement not to exceed \$24,700.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Thomas Carlson – Abstained(employed by engineer)
Councilman Kenneth Burnett – Aye
Councilman Dave Ward – Absent.

Carried

Appointment- Assessment Review Board

Dan Hicks 5-year term as a member of the Assessment Review Board(ARB) has expired. The Assessor has asked Mr. Hicks to serve another 5-year term and he has accepted.

Motion made by Councilman Kenneth Burnett to re-appoint Dan Hicks to the ARB for another 5-year term effective immediately.

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

Appointment- Code Enforcement

Supervisor Emhardt requested the Board's consideration of hiring an additional part-time Code Enforcement Officer for the Town to help with Fire inspections.

Motion made by Councilman Scott Cummings to appoint Ken Shearer as a part-time Code Enforcement Officer for the Town of Chautauqua once all training requirements are met.

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 bookkeeper is currently working on the 2019 end of year financials. No Supervisor's Report.

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #002 Voucher #020-108

ABSTRACT # 002
DEPOSIT OF 01/01/2020 - 02/29/2020

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4	
A	GENERAL FUND - TOWNWIDE	329,001.30
B	GENERAL FUND - OUTSIDE VILLAGE	99.55
DA	HIGHWAY FUND - TOWNWIDE	240,564.13
DB	HIGHWAY FUND - OUTSIDE VILLAGE	10,961.80
H3-	SEWER & WATER EXPANSION	4,553.06
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	318.08
SL2-	DEWITTVILLE LIGHTING DISTRICT	324.23
SL4-	BAYBERRY LANDING LIGHTING DIST	20.53
SS1-	CHAUT HEIGHTS SEWER DISTRICT	339.22
SW1-	CHAUT HEIGHTS WATER DISTRICT	10,515.74
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	81.10
Total:		596,778.74

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

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 7:50P.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 Luba, RMC
Town Clerk
Town of Chautauqua