

Mayville, NY

Regular Meeting

February 8, 2021

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

Absent: Dave Ward

Others Present: Mike Manning(Ramboll), Andrew Johnson(ECO Strategies), Gregory Bacon

Supervisor Donald Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Motion made by Councilman Thomas Carlson to approve the minutes of January 11, 2021 as presented.

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

Departmental Reports:

Town Clerk monthly report for January was submitted and filed. Collections totaled \$25,335.33 and disbursed as follows: Supervisor-General Fund: \$557.66, DB Fund: \$850.00, Sewer User Fees-SS1 Fund: \$22,119.45, Sale of Water- SW3 Fund: \$1,722.88, NYS DEC license sales: \$28.34, NYS Animal Population Control program: \$57.00. Record searches completed: 5

Penalty free period for tax collection ended February 4th, 2021. Second notices will be mailed out end of February for remaining unpaid taxes.

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, 2021. The office is continuing with fieldwork for the town-wide revaluation which will be completed next month.

Deputy Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 5 building permits with project values of \$191,500.00 and 13 permits were closed with project values of \$1,598,570.00.

Highway reported on activities which included plowing and sanding. Built entrance for well site on Springbrook road with 9 loads of bank run. Built new welding bench for the shop. Borrowed snow blade from Ellery for CAT excavator to push back banks. Sold misc. shop stuff on Auction International in the amount of \$922.00.

Public Comment:

None.

Agenda Items:

Mandolin Ridge- Map. Plan and Report

A Map, Plan and Report was submitted by Eco Strategies for the development of a new Water District to serve the new residential subdivision known as Mandolin Ridge on Chautauqua-Stedman Rd. and described on the Chautauqua County Tax Map as Section 297.00, Block 1, Lots 49.1 and 49.2. The proposed development will consist of 54 half-acre lots and three commercial lots. Chautauqua Utility District currently supplies potable water to the Chautauqua Institution and their current jurisdiction ends at a tie-in location along NYS route 394 at the northeast corner of the proposed development. A copy of the map, plan and report was filed in the Clerk's office for public inspection. The developer's engineer, Andrew Johnson(EcoStrategies), was present to answer questions from the Board.

Establishment of Water District No. 4 -Order Calling Public Hearing

WHEREAS, the Town Board of the Town of Chautauqua is now considering the acceptance and dedication of certain water delivery improvements within a new water district that would be known as Town of Chautauqua Water District No. 4 (Mandolin Ridge Water District) in the Town of Chautauqua (hereinafter, the "Water District No. 4" or simply, the "District"); and

WHEREAS, the improvements are to be located within a new residential housing subdivision known as the Mandolin Ridge Subdivision and to include some nearby commercial lots located at the intersection of Chautauqua-Stedman Road and Route 394, and all of the land the proposed would encompass is currently owned by the developer H&H Chautauqua Development, LLC, and

WHEREAS, the Town Board has duly caused to be prepared a map showing the boundaries of the proposed Water District, a general plan to serve said District, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by EcoStrategies Engineering & Surveying, PLLC, 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 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 approximately 4,147 linear feet of 8" water main, 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 indeterminate at the time of the formation of the District but shall be borne entirely by the developer and completed before the improvements are delivered to the Town, and

WHEREAS, the estimated cost of hook-up fees to the typical property in said District is \$1,000.00 and \$1,000.00 to a one- or two-family home therein, and

WHEREAS, the estimated cost of said District to the typical property therein is \$600.00 in the first year in which operation, maintenance, debt service and other charges and any other expenses are to be paid and \$600.00 to a one or two family home, which includes usage fee of approximately \$405.50 and a \$191.00 annual meter charge; and

WHEREAS, a detailed explanation of the manner by which said estimated costs of hook-up fees and first-year costs to the typical property were computed 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 manner thereof; and

WHEREAS, said capital project for said District and the establishment thereof has 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 establishment 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, in Mayville, New York, in said Town, on the 8th day of March, 2021, at 7:15 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the increase and improvement of the Water District in said Town as described in the preambles hereof, to be known as to the Water District No. 4, 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. 4, including all Districts heretofore or hereafter established, shall be a charge against the entire area of said Water District No. 4, as extended, including said District hereinbefore described.

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.

Section 4. This Order shall take effect immediately

Exhibit A

Boundaries of Proposed Water District No. 4, Town of Chautauqua, Chautauqua County, New York
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Chautauqua, County of Chautauqua, State of New York, being part of Lot 29, Town 3, Range 13 of the Holland Land Company's Survey (H.L.C.S.) and being further bounded and described as follows:

BEGINNING at a found stone monument at the southwest corner of said H.L.C.S. Lot 29;

THENCE N 00°40'22" E, along the westerly line of said H.L.C.S. Lot 29, a distance of 1,214.59 feet to a found iron stake at the southwesterly corner of lands heretofore deeded to Terry by Prendergast as described in a deed dated December 30, 1912 and recorded in the Chautauqua County Clerk's Office in Liber 388 of Deeds at Page 107;

THENCE N 74°35'15" E, along said lands conveyed to Terry, a distance of 1,900.80 feet to a point on the centerline of New York State Route No. 394 (a.k.a. West Lake Road) and passing through a found iron stake 38.23 feet distant southwesterly as measured along the last described line from said centerline;

THENCE S 26°47'13" E, along the centerline tangent of said New York State Route No. 394, as extended southeasterly, a distance of 133.75 feet to a point on the centerline of the Chautauqua-Stedman Road (a.k.a. County Route No. 33);

THENCE S 05°30'00" W, along said centerline of the Chautauqua-Stedman Road, a distance of 717.66 feet to a point at the northeasterly corner of lands conveyed by Muchell Gibbs Vahl and Patricia Kay Gibbs Wellejus to Mazza Chautauqua Cellars, Inc. as described in a deed dated July 7, 2004 and recorded in said Clerk's Office in Liber 2549 of Deeds at Page 500;

THENCE S 05°30'00" W, continuing along said centerline of the Chautauqua-Stedman Road, a distance of 350.00 feet to a point at the northeasterly corner of lands conveyed by Muchell Gibbs Vahl, Patricia Gibbs Wellejus, and Thomas Erlyn Gibbs to Thomas Erlyn Gibbs as described in a deed dated December 4, 1998 and recorded in said Clerk's Office on December 29, 1998 in Liber 2404 of Deeds at Page 280;

THENCE N 89°40'30" W, along the northerly line of said lands conveyed to Thomas Erlyn Gibbs, a distance of 30.06 feet to a found rebar with cap;

THENCE continuing N 89°40'30" W, along said northerly line, a distance of 494.94 feet to a found rebar and cap at the northwesterly corner of said Gibbs property; THENCE S 05°30'00" W, along the westerly line of said Gibbs property, a distance of 550.00 feet to a point on the southerly line of said H.L.C.S. Lot 29 and passing through a found rebar 0.2 feet distant northerly, as measured along the last described line, from said H.L.C.S. lot line;

THENCE N 89°40'30" W, along said southerly line of H.L.C.S. Lot 29, a distance of 1,226.97 feet to the point and place of beginning, containing 54.98 acres of land to be the same more or less.

BEING and intending to describe those lands conveyed by The White Carrot Gardens, LLC to H&H Chautauqua Development, LLC by deed dated May 21, 2019 and recorded in the Chautauqua County Clerk's Office on June 4, 2019 as Instrument Number DE2019003603 and those lands conveyed by Chautauqua Inns, Ltd. To H&H Chautauqua Development, LLC by deed dated May 22, 2019 and recorded in the Chautauqua County Clerk's Office on June 5, 2019 as Instrument Number DE2019003607

Motion made by Councilman Kenneth Burnett to accept the order as presented.

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

Town Constable- Appointment

Chief Constable Gerace previously submitted a request for a new constable appointment and has submitted the required training certificate for Angelo Guiffre.

Motion made by Councilman Thomas Carlson to appoint Angelo Guiffre as Town Constable while employed by Chautauqua Institution and in accord with Local Law 1 of 2020 for the Town of Chautauqua.

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

Supervisor Emhardt stated that he and Councilman Carlson met with Constable Gerace to discuss requirements of the NYS Division of Criminal Justice Services that would authorize access to

computer/information systems available for law enforcement agencies. Requirements would include making all constable employees of the Town and transferring ownership of Chautauqua Police vehicles to the Town. The institution would be responsible for all expenses related to the employment of constables and operation of vehicles within the Institution. A Memorandum of Understanding and Agreement would have to be drafted and executed by the Town and Institution. Councilman Cummings stated his concern with the liability to the Town and whether or not this would benefit all Town residents since there was no petition filed requesting it. Research and discussions are ongoing. No action from the Board was required or taken at this time.

Water District 2- MOU and Water Supply

A Memorandum of Understanding(MOU) granting permission to complete geotechnical investigation on the Jane Currie property identified as Tax Map Section 264.00, Block 2, Lot 12 was signed by the property owner and engineer on January 13, 2021 and copied to the Board. Atlantic Testing Laboratories completed a test boring where artesian conditions were observed at approximately 90-100 ft. An observation well was installed at 115 ft in which a water quality sample will be collected from later this week and reported to the Town after analysis. Report will also include soil testing and Eurofins-Test America sample analyses.

Next steps will be discussing land acquisition with the property owner and completing parts 2 and 3 of the SEQRA process. Ramboll will continue to review sources for funding through available grants.

Ramboll engineer, Michael Manning, updated the board on the following capital projects:

Water District 2 Order on Consent

Environmental Protection Agency(EPA) will be notified by the Town once flushing hydrants/valves have been installed. With the completion of the well site investigation, Ramboll will re-evaluate compliance schedule with the EPA to reflect current dates. Quarterly status report was submitted in January. Next report is due April 30th.

Sewer Dist. 1 E1N Extension (Shorelands)

Report has been finalized and will be mailed to the Town. Due to a report already being prepared for this area, the Environmental Facilities Corporation(EFC) will not be able to fund a grant for additional planning activities.

Sewer Dist. 1 Pump Station and Force Main

Project is complete and all final invoices have been submitted. Overall costs of construction and engineering for the project was \$98,678.00 below budget.

Gym Use

More requests are being made for the use of the Town Gym. The most recent request was made by County's Department of Human Resources to conduct civil services exams on Saturdays which would require weekend staffing to open and clean the space. Supervisor Emhardt asked the Building and Grounds committee to draft some policies and procedures for its use and scheduling.

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 2020 court records on January 12, 2021.

WHEREAS, the records have been duly examined , and all fines collected in 2020 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 – Absent

Town Clerk/Tax Collector -Audits

The annual audit for the Town Clerk and Tax Collector was completed by Councilmen Ward and Burnett on 1/12/21. Audit report on file in the Clerk’s office was copied to the Board. All records were found to be satisfactory.

Motion made by Councilman Thomas Carlson to acknowledge and accept audits 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 – Absent

Highway -New Tractor

A quote was received by Sourcewell NPA for a 2021 New Holland Tractor with cab through at the State bid pricing of \$69,500.00 offering a trade-in of \$29,500 for the Town’s existing tractor and a rebate of \$4,5000.00 through Sourcewell.

Motion made by Councilman Scott Cummings to accept the trade-in for existing tractor and purchase the new tractor not to exceed the quoted price of \$35,500.00.

Second: Councilman Thomas Carlson

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

Notice of Claim

The Board reviewed and discussed a notice of claim dated January 18, 2021 in which the claimant is looking to recover damages for the alleged trespass and unauthorized destruction of trees, shrubs and bushes occurring on their Webber Rd. property on or about November 17,2020. No action was required from the Board at this time.

Lake Cleanup - Grant Acceptance

Two grants were awarded to the Town by the Chautauqua Lake & Watershed Management Alliance, Inc.(CLWMA) for the lake cleanup program that included \$50,000.00 for Operations and \$75,000.00 for a new Mobitrac.

Motion made by Councilman Scott Cummings to accept grants and allocate funds as described in the award letters dated Feb. 1, 2021 from CLWMA.

Second: Councilman Thomas Carlson

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

The bookkeeper is currently working on the 2020 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 #018-086

**ABSTRACT # 002
DEPOSIT OF 01/01/2021 - 02/28/2021**

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1	
A	GENERAL FUND - TOWNWIDE	155,942.55
B	GENERAL FUND - OUTSIDE VILLAGE	405.30
DA	HIGHWAY FUND - TOWNWIDE	52,128.79
DB	HIGHWAY FUND - OUTSIDE VILLAGE	6,636.93
H3-	SEWER & WATER EXPANSION	2,984.27
H4-	WATER DISTRICT 2	3,286.50
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	320.51
SL2-	DEWITTVILLE LIGHTING DISTRICT	327.63
SL4-	BAYBERRY LANDING LIGHTING DIST	20.78
SS1-	CHAUT HEIGHTS SEWER DISTRICT	52,253.19
SW1-	CHAUT HEIGHTS WATER DISTRICT	5,593.26
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	25.75
	Total:	279,925.46

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 7:54 P.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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua