

**Mayville, NY**

**Regular Meeting**

**March 9, 2020**

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

**Absent:** Councilman, Thomas Carlson

**Others Present:** Geof & Diane Dietrich, Alan & Cindy Akin, Emmitt Tenpas, Andy Johnson, Joe Rollman, John Shedd, Hank Navarro, Sharon Smead, Thomas Gibbs, Robert & Susan Benjamin, Devon & Nancy Taylor, Tim Wendell, Jim Kurtz, Scott Brasted, Michelle Boomgard, Louis Hayes, Tom & Kathy Jordan, David & Deborah Rowe, Steve Holt, Michele & William Jones and Judith Hitz

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

**Motion** made by Councilman, Kenneth Burnett to approve the minutes as presented to the board for February 10, 2020

**Second:** Councilman Scott Cummings

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

**Carried**

**Public Comments, Non-Agenda items: None**

**Departmental Reports:**

Town Clerk monthly report for February was submitted and filed. Collections totaled \$4,014.10 and disbursed as follows: Supervisor-General Fund: \$492.36, B Fund: \$857.80, Sewer User Fees-SS1 Fund: \$2,176.51, Sale of Water- SW3 Fund: \$300.28, NYS DEC license sales: \$108.65, NYS Animal Population Control program: \$56.00. NYS DOH Marriage License: \$22.50. Record searches completed: 4

Second notices for unpaid property taxes were mailed Feb. 13, 2020. Current Tax collections total \$11,319,697.74 with \$1,224,452.49 still outstanding.

2<sup>nd</sup> notices were also sent for unpaid utilities within the Town's water and sewer districts..

Zoning Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 10 building permits with project values of \$515,082.60 and issued 2 Certificates of Completion with project values of \$99,000.00.

Highway reported on activities for the month of February which included plowing and sanding. Replaced culvert on Lawson Rd. and put up weight limit signs. Sold single axle on Auction International for \$9,400.00

Assessor's report was submitted and on file. Property inspections and field work are ongoing for the tentative roll which will be completed by May 1<sup>st</sup> . The March 1<sup>st</sup> deadline has passed for the

submission of exemption applications except for enhanced STAR applicants that missed it due to the death of an immediate family member, serious illness or hospitalization in which applications can be accepted up until grievance day. In addition, applicants who missed the deadline for “good cause” can apply directly to the State up until the deadline for paying school taxes.

**Agenda Items:**

**Appointment- Assessment Review Board**

Lou Wineman gave notice to the assessor’s office that she has moved out of the area and can no longer serve on the Assessment Review Board. The Assessor recommended Kim Meleen to replace the position. Her background and understanding of assessment methodology would be an asset to the board.

**Motion** made by Supervisor, Don Emhardt, to fill the vacancy by appointing Kim Meleen to the Board of Assessment Review effective immediately.

**Second:** Councilman Scott Cummings

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

**Carried**

**SEQR Lead Agency Consent- Chautauqua Lake Central School Capital Project**

Notice of intent was received from Chautauqua Lake Central School District declaring themselves as lead agency in a Capital Facilities Plan for its campus located at 100 North Erie St, Mayville in the Town of Chautauqua. In accord with the State Environmental Quality Review Act(SEQRA), Article 8, the proposed action is categorized as an unlisted action and requires a coordinated review and lead agency designation.

**Motion** made by Councilman Kenneth Burnett to accept Chautauqua Lake Central School District as the Lead Agency for the proposed Capital Improvement Project.

**Second:** Councilman Dave Ward

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

**Carried**

**Water District 2- Water Evaluation Report March 2020**

A preliminary water quality engineering report was completed for Water District 2 confirming the need for an alternate water source. The report included several options and alternatives that included taking no action, rehab existing Water Treatment Plant(WTP), relocating the WTP, construct a groundwater source, or connecting to the Village of Mayville Water Supply. Engineer’s recommendation is to pursue abandoning the existing WTP and intake converting to a groundwater source for an approximate capital cost of \$1,686,750.

### Mobitrac- CLWMA Grant Agreement

A grant was awarded to the Town of Chautauqua by Chautauqua Lake & Watershed Management Alliance, Inc (CLWMA) in the amount of \$90,000.00 for a new Mobitrac and equipment for the Town's continued efforts towards lake cleanup. A grant agreement is required before money can be disbursed.

**Motion** made by Councilman Scott Cummings to accept the grant and authorizes the Town Supervisor to execute the grant agreement with CLWMA.

**Second:** Councilman Dave Ward

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

**Carried**

### Appointments- Town Constables-Chautauqua Institution

A list of candidates from Chautauqua Institution was presented to the Board for appointment as Town Constables. The list included the following:

- Joseph A. Gerace – 235 Hunt Road, Jamestown, NY
- Billy Leone - 30 Sanford Drive, Jamestown, NY
- Noel M. Guttman – 6057 Portage Road, Mayville, NY
- Daniel J. Hafner - 653 Kaymar Drive, Amherst, NY
- Andrew D. Hinman - 118 Ellis Ave, Jamestown, NY
- Andrew W. Caruso - 3943 Daily Hill Road, Kennedy, NY
- Terry W. Rea - 8 Drake St , PO BOX 326, Salamanca, NY
- James V. Curtis - 13 Whitney Ave., Frewsburg, NY
- Kyle A. Nazario - 393 Falconer St., Jamestown, NY

The Board discussed the appointments and requested that the training certificates for each appointment be submitted prior to signing their oaths of office.

**Motion** made by Councilman Kenneth Burnett to approve the appointments contingent upon receipt of their training certificates.

**Second:** Councilman Scott Cummings

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

**Carried**

### Franchise Agreement- Time Warner Cable/Comcast

The current franchise agreement with Time Warner Cable has expired. The Board had approved a request made by Chuck Kelsey and attorney, Peter Clark for a joint agreement with other Towns and Villages but nothing has been submitted since. Attorney Seachrist advised the board that although the agreement technically expired, the terms will continue until the new one is in place. Although payments are still being submitted by the cable company, a new agreement should be made. A draft for the renewal will be prepared and presented for the Board's review.

### **Funding Request- Chautauqua Hometown Heroes**

A request was submitted by Chautauqua Hometown Heroes Veterans Memorial committee for a bridge loan. The S.A.M state grant that was originally awarded to the group has been delayed with the resignation of Senator Catharine Young. It is unclear if the whether or not the grant is still available. The projected costs of the memorial is \$85,000. With the sale of memorial bricks, in-kind services, sponsorships and fundraising, the committee has raised \$65,000 leaving them \$20,000 short of their goal.

Attorney Seachrist advised the Board that the bridge loan was solely based on the receipt of the S.A.M grant. With the uncertainty of this grant, a bridge loan could not be made at this time. The Board thanked the committee for all the work they have done and assured them they are in full support of their efforts. They will continue to review the information and do what they can to help keep this project moving forward.

### **Public Hearing- Mandolin Ridge Sub-Division SEQR and Public Comment**

**Motion** made by Councilman Scott Cummings to open the public hearing at 7:15PM.

**Second:** Councilman Kenneth Burnett

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

**Carried**

### **Public Comment:**

There were several people in attendance for the hearing and listed at the beginning of the minutes. Inquiries were made on the availability of public sewer and water to adjacent property owners. Project engineer, Andrew Johnson, stated it could lead to a spin-off benefit of the project that could lead to a larger water and sewer district. The board replied that this could be a possibility if financially feasible for homeowners depending on costs to expand the infrastructure. Others present were concerned about the traffic control, protection of their existing water wells, street lighting and conservation. Supervisor Emhardt stated these were all being considered and the reason for the Environmental review. All involved agencies have been contacted requesting their input and recommendations.

**Motion** made by Councilman Scott Cummings to keep the public hearing open until the next regular Town Board meeting, April 13, 2020

**Second:** Councilman Kenneth Burnett

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

**Carried**

The Annual Financial Report for 2019 was completed and with the State Comptroller's office. Legal was submitted to the Post-Journal on March 02, 2020 and a copy is available in the Town Clerk's office for public inspection during regular business hours

**Motion** made by Councilman Scott Cummings to approve the following budget transfers for 2019 as presented by the Town Supervisor and bookkeeper.

December 31, 2019

<u>TO</u>	<u>AMOUNT</u>	<u>FROM</u>	<u>AMOUNT</u>		
<b>TRANSFERS TO BALANCE - A FUND</b>					
A1220.1	Supervisor - pers svcs	0.04	A1010.1	Town board - pers svcs	57.06
A1220.4	Supervisor - contractual	857.95	A1010.4	Town board - contract	100.00
A1410.1	Town clerk - pers svcs	20,140.58	A1110.1	Municipal court - pers svcs	738.90
A1440.4	Engineer - contractual	2,721.50	A1110.2	Municipal court -equip	5,000.00
A1460.4	Record mgmt - contract	685.73	A1110.4	Municipal court - contract	2,432.10
A1620.2	Buildings - equipment	9,459.88	A1220.2	Supervisor - equip	500.00
A1620.4	Buildings - Contractual	231,171.08	A1330.1	Tax collection - pers svcs	1,150.00
A1620.46	Central storage	881.19	A1330.2	Tax collection - equip	482.01
A1620.47	Printing & mailing	346.32	A1330.4	Tax collection - contract	3,254.15
A1650.4	Central Comm Sys - contract	1,986.04	A1355.1	Assessment - pers svcs	13,324.90
A1670.4	Central printing & mail - contr	1,430.70	A1355.2	Assessment - equip	1,500.00
A1680.4	Central data proc - contract	2,597.00	A1355.4	Assessment - contract	7,422.60
A1920.4	Municipal assn dues	1,015.00	A1410.2	Town clerk - equip	120.26
A3310.4	Traffic control - contract	1,749.52	A1410.4	Town clerk - contract	1,013.49
A5010.1	Hwy Admin - pers svcs	117.88	A1420.4	Law - contractual	1,750.00
A7110.1	Chaut Lake - pers svcs	4,854.00	A1460.2	Records mgmt officer - equip	4,500.00
A8430.4	Natural gas - contract	458.10 <del>493.78</del>	A1620.1	Buildings -pers svcs	1,984.24
A9020.8	Medicare	808.55	A1620.41	Utilities	12,147.35
A9030.8	Social security	1,836.61	A1620.45	Data processing	9,675.02
A9730.7	BAN - interest	1,557.50	A1910.4	Unallocated insurance	197.20
			A1950.4	Taxes paid on Muni bldg	2,080.50
			A3510.1	Control of dogs - pers svcs	2,800.00
			A3510.2	Control of dogs - equip	250.00
			A3510.4	Control of dogs - contract	2,695.82
			A5010.2	Hwy Admin - equip	1,000.00
			A5010.4	Hwy Admin - contract	628.50
			A5132.400	Garage contractual	30,000.00
			A5182.4	Street lighting - contract	1,663.40
			A7110.4	Chautauqua Lake	29,262.00
			A9010.8	State retirement	0.99
			A9040.8	Workers comp	0.02
			A9060.8	Hospital & medical	54,329.41
			A9901.900	Interfund transfers	42.06
A9901.9	Interfund transfers		A1170	Franchises	10,905.84
			A1090	Interest/Penalty Prop Tax	5,564.65
			A599	Unexpended fund balance	74,102.70 <del>76,138.38</del>
		<u>284,710.85</u>			<u>284,710.85</u>
<b>TRANSFERS TO BALANCE - B FUND</b>					
B0160.4	Refuse & garbage - contract	1,674.85	B0810.4	Zoning - contract	1,753.58
B9060.8	Social security	78.74			
		<u>1,753.58</u>			<u>1,753.58</u>

**TRANSFERS TO BALANCE - DA FUND**

DA5130.4	Machinery - contract	154,783.16	DA5130.2	Machinery - equip	157,714.08
DA5142.4	Snow removal - contract	1,481.55			
DA9030.8	Social security	1,449.37			
		157,714.08			157,714.08

**TRANSFERS TO BALANCE - "DB FUND"**

DB5110.41	General repairs - asphalt	32,892.70	DB5110.1	General repairs - pers svcs	8,964.39
			DB5110.45	General repairs - contract	13,347.75
DB5110.43	General repairs - stone, slag	1,164.77	DB5110.42	General repairs - bituminous	12,484.67
DB5110.44	General repairs - drain tile	9,121.54	DB5110.45	General repairs - fuel oil	11,648.62
DB9060.8	Hospital & medical insurance	3,266.42			
		46,445.43			46,445.43

**TRANSFERS TO BALANCE - SS1 FUND**

SS1-8110.4	Sewer Admin - contractual	16,040.85	SS1-8120.2	Sanitary sewers - equip	1,000.00
			SS1-8120.4	Sanitary sewers - contractual	4,380.64
			SS1-8130.4	Sewer treatment - contract	1,906.11
			SS1-2401	Interest & earnings	849.86
			SS1-599	Unexpended fund balance	7,904.24
		16,040.85			16,040.85

**TRANSFERS TO BALANCE - SW1 FUND**

SW1-1990.4	Contingent account - contract	4,901.79	SW1-8330.4	Purification - contractual	12,367.19
SW1-8320.4	Source of supply - contr	7,465.40			
		12,367.19			12,367.19

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

**Carried**

**Motion** made by Councilman Scott Cummings to approve the Supervisor’s Reports for December, January and February.

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

**Carried**

**Motion** made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #003, Voucher # 109-184

**ABSTRACT # 003  
DEPOSIT OF 02/01/2020 - 03/31/2020**

<b>Code</b>	<b>Fund</b>	<b>Amount</b>
<b>Book:</b>	<b>A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4</b>	
A	GENERAL FUND - TOWNWIDE	130,471.48
B	GENERAL FUND - OUTSIDE VILLAGE	996.27
DA	HIGHWAY FUND - TOWNWIDE	94,713.78
DB	HIGHWAY FUND - OUTSIDE VILLAGE	15,846.22
H3-	SEWER & WATER EXPANSION	202,857.73
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	305.93
SL2-	DEWITTVILLE LIGHTING DISTRICT	307.09
SL4-	BAYBERRY LANDING LIGHTING DIST	19.37
SS1-	CHAUT HEIGHTS SEWER DISTRICT	294.87
SW1-	CHAUT HEIGHTS WATER DISTRICT	7,856.96
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	85.43
<b>Total:</b>		453,755.13

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Non-Agenda Item:**

**Draft Resolution: Withdrawal of Energy Siting Amendment**

**WHEREAS:** Supervisor Emhardt presented a draft Town and County resolution requesting the withdrawal of the Energy Siting Amendment from the State Budget.

**WHEREAS:** On February 21, 2020, the Governor proposed a budget amendment to dramatically speed up the permitting and construction of renewable energy projects replacing the current Article 10 process.

**WHEREAS:** this amendment would effectively remove any input from citizens, towns, counties, local environmental groups and businesses limiting local communities to regulate such industrial projects.

**WHEREAS:** the proposed changes conflict with Home Rule rights and our obligation to protect the health, safety and welfare of our constituents.

**RESOLVED:** that the Energy Siting amendment be withdrawn from the State Budget prior to being voted on,

**FURTHER RESOLVED:** to petition the State to respect Home Rule Rights and defend local authority to regulate renewable energy projects as citizens of our communities seem fit.

**Motion** made by Councilman Scott authorizing the Supervisor to sign the draft NYS Town and County Resolution to be forwarded to our State Senate and Assembly

**Second:** Councilman Dave Ward

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

**Carried**

**Motion** made by Councilman Scott to adjourn the regular meeting at 8:08 P.M.

**Second:** Councilman Kenneth Burnett

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

**Carried**

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Rebecca Luba, RMC  
Town Clerk  
Town of Chautauqua