

**Mayville, NY**

**Regular Meeting**

**April 12, 2021**

**Present:** Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Councilman, Thomas Carlson and Scott Cummings. Town Clerk, Rebecca Luba, Deputy Clerk, Jess Emhardt, and Highway Superintendent, Dan Thorsell

**Others Present:** Gregory Bacon, Mike Manning(Ramboll), Sharon & John Sprague, Pam & Sid Compton, Fairlee Fischer, Tim Hull, Mike Stradtman, Sandy & Jeff Wagner, Tamera Sands, Bill Perry, Don Ames, Mark & Debbie Perry, Tim & Tracy Hammond, Denver & Sarah Morrison, Martin Proctor, Karen Engstrom, Mary Clements, Shayne Erhard, Evin & Ella Ames, Mark Smith, Jessup Baker and Shannon Raynor

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 as presented to the board for March 8, 2021

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Departmental Reports:**

Highway reported on activities for the month of March which included installing (2) driveway tubes on Hannum Rd., cleaning up turnarounds and started to broom roads. Rebuilt screen for screening sand, millings, etc. and started the removal of plow equipment, cleaning and painting it for next season.

Town Clerk's monthly report for March was submitted and filed. Collections totaled \$5,078.72 and disbursed as follows: Supervisor-General Fund: \$4,905.55, B Fund: \$1,490.60, Sewer User Fees-SS1 Fund: \$2,038.72, Sale of Water- SW3 Fund: \$617.76, NYS DEC license sales: \$14.17, NYS Animal Population Control program: \$159.00. NYS DOH Record searches completed: 9

A Notice for NYS Liquor License was received Mar. 15, 2021 from Chautauqua Hotel Co.Inc. for 2 properties located in the Chautauqua Institution located at 1 Miller Ave. and 19 Prospect Ave. Tax Collection ended 4/1/21. Final reports and payment will be submitted to the County.

Code/Zoning Office report was submitted to the Town Clerk. There were 14 building permits issued in March with project values totaling \$431,527.00 and 8 Certificates of Completion with project values totaling \$223,070.00.

Assessor's report was submitted and on file in the Clerk's office. The town-wide revaluation is was completed and change of assessment notices have been sent. Informal hearings are being provided for property owners with any questions or concerns. Grievance Day is scheduled for May 26, 2021 by appointment.

## **Public Comments:**

Several residents were in attendance due to the Town wide Revaluation which raised the assessment of several properties. Those that spoke felt the increases were unfair and demanded the Board to redo the valuation. Don Ames stated there was no rhyme or reason to his new values and demanded the Board to throw out the new assessments and start over. Supervisor Emhardt explained that the Town Board had no control over the assessments other than hiring an Assessor to perform the duties of the office. All new values are reviewed and certified by the State prior to sending change of assessment notices to residents. The 2020 Equalization Rate dropped from 98% to 92.8%. This falling rate indicates that the market values are increasing faster than the assessments. The last Town-wide assessment was completed in 2013 but did not include land values or commercial properties which were last assessed in 2006.

Jessup Baker requested the Board to hold another meeting with both Assessors and appraiser to clarify the process and explain why there was such a jump in value.

The Board agreed to talk with the Assessor's office and set up a date which will be advertised in the Jamestown Post-Journal and Town's website. Supervisor Emhardt strongly encouraged everyone in attendance to refer to the information sheet that was mailed with their notices and to follow the procedures so they don't miss any deadlines.

## **Agenda Items:**

### **Highway-New Loader**

The board reviewed the state bid quote through Sourcewell submitted by Five Star Equipment for a 2021 John Deere Loader. Original quote of \$164,590.00 was reduced by \$150,000 by trading in the 2019 John Deere Loader and includes a 36-month warranty.

**Motion** made by Councilman, Thomas Carlson to purchase the loader at \$14,590.00 after trade-in.

**Second:** Councilman Scott Cummings

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

**Carried**

### **Highway-New Cab and Chassis for 2022 Budget**

Due to the delayed delivery for a new cab and chassis, an order would have to be placed now for the 2022 budget year. The board reviewed the state bid quote through Sourcewell submitted by Fleet Maintenance for \$114,827.00 and a quote for the equipment package from Valley Fab and Equipment, Inc. at \$98,380.00.

**Motion** made by Councilman, Scott Cummings to purchase the loader at \$14,590.00 after trade-in.

**Second:** Councilman Kenneth Burnett

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

**Carried**

## **Water District 4- Final Order to Establish**

### **Establishment of a Water District in the Town of Chautauqua, Chautauqua County, New York, to be known as Mandolin Ridge Water District (Water District No. 4)**

**WHEREAS**, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of Chautauqua, Chautauqua County, New York, in relation to the establishment of Mandolin Ridge Water District in said Town (Water District No. 4); and

**WHEREAS**, the improvements in connection with the establishment of said Chautauqua Shores Water 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, as more fully described in the aforesaid map, plan and report; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements is to be borne entirely by the project developer; 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 there will be a meter installation charge of \$191.00; 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 expenses are to be paid and \$600.00 to a one or two family home therein; and

**WHEREAS**, a detailed explanation of the manner by which were computed said estimated costs of hook-up fees and first year costs to the typical property 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**, an Order was duly adopted by said Town Board on February 8, 2021, reciting a description of the boundaries of said proposed Mandolin Ridge Water District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 8th day of March, 2021, at 7:15 o'clock P.M., Prevailing Time, at the Chautauqua Community Building, 2 Academy Street, in Mayville, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

**WHEREAS**, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

**WHEREAS**, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

**WHEREAS**, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Chautauqua Shores Water District; and

**WHEREAS**, such resolution establishing the District was adopted subject to permissive referendum and the period of time during which a petition could be filed requesting a referendum elapsed without a petition being so filed; **NOW, THEREFORE, IT IS HEREBY**

**ORDERED**, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. Mandolin Ridge Water District, in the Town of Chautauqua, Chautauqua County, New York (Water District No. 4), is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. The establishment of the Mandolin Ridge Water District and improvements therefor, consisting 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, as more fully described in the aforesaid map, plan and report, is hereby authorized and approved. The maximum estimated cost to said Chautauqua Shores Water District pursuant to these proceedings for said improvements shall be borne entirely by the project developer.

Section 3. This Order shall take effect immediately.

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

**Second:** Councilman Kenneth Burnett

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

**Carried**

### **Water District 2- Neg. Declaration Resolution**

**WHEREAS**, the Town of Chautauqua is proposing to abandon the existing surface water supply and treatment system for Water District No. 2 and develop a new groundwater supply system at an alternate location,

**WHEREAS**, the proposed action 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 long Environmental Assessment Form and Coastal 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 action, and

**WHEREAS**, the Board has determined that the proposed will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed action, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

**Motion** made by Councilman Scott Cummings to accept the resolution as presented.

**Second:** Councilman Dave Ward

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

**Carried**

### **Water District 2- Engineering Proposal**

Amendment proposal No. 3 for engineering services was submitted by Ramboll, O'Brien & Gere Engineering for additional engineering services related to Water Dist. No. 2 Water Supply project that would include Well Development, Preliminary Design, Final Design, Permitting & Regulatory Approvals and Bid Phase.

Councilman Cummings inquired whether a 6" pipe for water conveyance would be sufficient for the District and possible future expansion. Engineer, Mike Manning, stated the 6" pipe would best suit the District due to the increase in velocity it would create during low use periods which have been an issue in the past. He will review the design to see what could be added for future expansion of the district.

**Motion** made by Councilman Scott Cummings to accept the amendment as presented not to exceed \$306,000.00.

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Dave Ward – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Thomas Carlson- Abstained due to employment with engineering firm)

**Carried**

The Board also discussed the need for a water operator for Town Water Districts. Current Operator for District No. 2 is only certified in surface water. Supervisor Don Emhardt stated he has spoken with the Village of Mayville to provide this service and will work with the Mayor to draft a proposal for the Board's consideration.

### **Reallocation of Funds- Winter Festival Agreement**

A letter was submitted by the Mayville-Chautauqua Chamber of Commerce requesting the Town's authorization to reallocate funds granted by the Town for the Winter Festival due to the event being cancelled. The Chamber is looking to use the funds towards building a multi-function ice castle that will be used for the 4<sup>th</sup> of July Celebration, placed on grounds of future Winter Festivals and any other event that will benefit the community.

**Motion** made by Councilman Scott Cummings to approve the re-allocation of fund for the purpose of constructing the multi-purpose structure.

**Second:** Councilman Thomas Carlson

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

**Carried**

### **CLWMA - Board Nomination**

**Motion** made by Councilman Thomas Carlson to nominate Donald Emhardt to the Board of Directors for Chautauqua Lake Watershed Management Alliance(CLWMA).

**Second:** Councilman Scott Cummings

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

**Carried**

### **Town Computer and Servers-Upgrade**

The Town's computers and server are in need of an upgrade this year. Southern Tier Graphics presented a quote to upgrade the Town server for \$5,193.09 and nine (9) computers at \$8,972.96.

**Motion** made by Councilman Dave Ward to approve the purchase and upgrades as quoted.

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Supervisor's reports**

**Motion** made by Councilman Thomas Carlson to approve the Supervisor reports for February and March as presented.

**Second:** Councilman Dave Ward

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

**Carried**

**Vouchers**

**Motion** made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #004, Voucher # 136-220

**ABSTRACT # 004  
DEPOSIT OF 03/01/2021 - 04/30/2021**

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<b>Code</b>	<b>Fund</b>	<b>Amount</b>
<b>Book:</b>	<b>A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1</b>	
A	GENERAL FUND - TOWNWIDE	170,651.81
B	GENERAL FUND - OUTSIDE VILLAGE	49,788.57
DA	HIGHWAY FUND - TOWNWIDE	32,110.19
DB	HIGHWAY FUND - OUTSIDE VILLAGE	7,994.17
H4-	WATER DISTRICT 2	21,743.71
H5-	SEWER DISTRICT 1	1,402.50
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	304.67
SL2-	DEWITTVILLE LIGHTING DISTRICT	305.19
SL4-	BAYBERRY LANDING LIGHTING DIST	19.17
SS1-	CHAUT HEIGHTS SEWER DISTRICT	24,152.81
SW1-	CHAUT HEIGHTS WATER DISTRICT	5,950.79
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	14,654.41
<b>Total:</b>		<b>329,077.99</b>

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Motion** made by Councilman Scott to adjourn the regular meeting at 9:07 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- Aye

**Carried**

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Rebecca Luba, RMC  
Town Clerk  
Town of Chautauqua