

**Mayville, NY**

**Regular Meeting**

**April 8, 2019**

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

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 11, 2019.

**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**

**Public Comments:**

None

**Departmental Reports:**

Town Clerk report shows monthly fees remitted for March totaled \$2,703.47; Dog License sales of \$515.00; Conservation sales of \$75.00, Building/Zoning fees of \$2,478.61 and 2 Marriage licenses were issued. Spring clean-up notice have been mailed.

Annual Government training conference by Southern Tier West will be held at Houghton College on Thursday, May 9, 2019. Board members are encouraged to attend.

Tax collection ended April 1, 2019. Office is currently working on final reports. Total tax collected was \$11,562,815.89. Unpaid taxes to be returned to the County totaled \$670,757.97. Total interest and fees collected were \$25,085.84 payable to the Town.

Town Court monthly report has been submitted and is on file in the Clerk's office.

Zoning Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 15 building permits with project values of \$621,955.50 and issued 7 Certificates of Completion with project values of \$52,600.00.

Highway Superintendent reported that new overhead doors have been installed, hauling sand for 2019 & 2020 winter, cleaning and painting plow equipment, new ten ton trailer and dump trailer are in and brooming sand off the roads.

The Town of Westfield offered to buy the Town's old roller.

**Motion:** by Councilman Thomas Carlson to deem the Ferguson roller as surplus and authorizes the Highway Superintendent to negotiate and sell the roller for a fair price.

**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**

Assessor's report was submitted and on file. The office is currently in the process of finishing up valuation on all new building construction, demolitions and owner requests for review. State land, telecommunications and special franchise valuation is complete. Still waiting on more gas reports from companies. Tentative roll will be filed May 1, 2019 and available on the Town's website with a legal placed in the Post-Journal. Appraiser, Kim Meleen, will be leaving the Town as of April 12<sup>th</sup> to take a position at the County as the Assistant Director of Real Property Tax. This is an excellent opportunity for her and we wish her well. A replacement has been interviewed in which the position can be structured to complete the work load while at the same time provide some cost savings to the Town.

The Sewer upgrade and installation of the new force main and pump station is moving forward. Pump station is going up this month. All but one easement has been obtained in which negotiations at this time have been unsuccessful and may need an alternative plan in order to keep the project moving forward.

**Motion** made by Councilman Thomas Carlson authorizing the Town attorney to start an eminent domain proceeding versus Jeff Edington in order to continue the installation of the force main required for the upgrade project of Sewer District 1.

**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**

### **Agenda Items:**

The Board discussed the Memorandum of Agreement for the Chautauqua Lake Consensus Strategy(MOA). Copies of the MOA were previously emailed to the Board for review. By signing this agreement, the Town will agree to work in collaboration with the County and various Towns, Villages and lake agencies on the Weed Management Consensus Tenets outlined and create a central authority comprised of the County, Alliance and the supervisors of the five towns and mayors of four villages bordering the lake. In addition, all participants agree not to pursue litigation against the County or any other participant who is not in violation of the MOA's tenets. A full copy of the Agreement is on file in the Clerk's office.

**Motion** made by Councilman Scott Cummings to authorize Supervisor Emhardt to sign the 2-Year agreement as presented effective May 1, 2019.

**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**

## **Resolution to Establish Speed Limit for Mill Rd and Sea Lion Dr.**

**WHEREAS**, there currently is no speed limit posting on two roads within the Town of Chautauqua known as Mill Rd and Sea Lion Dr.

**WHEREAS**, this is a residential area in which these roads are heavily used for biking and walking.

**WHEREAS**, the Town Board feels it would be in the best interest of the Town and safety of its residents to request a speed limit study for these roads.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Chautauqua does hereby request that the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, establish a speed limit on Town roads extending from Rte. 430 to the Village line known as Mill Rd and Sea Lion Dr. with a speed limit of 30mph.

**Motion** made by Councilman Thomas Carlson

**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**

A request was made from the Hometown Heroes Veterans Memorial Park committee for a bridge loan to start the construction phase of the memorial. They have been awarded a \$50,000.00 reimbursement grant from the State but will have to spend the money before receiving the funds. Their goal is to put in the foundation for the memorial, so it has the proper time to cure prior to the construction of the pavilion. In addition, they have recently been designated as a non-profit which will enable them to apply for more grants.

**Motion:** by Councilman Thomas Carlson to authorize the Supervisor to sign an agreement to loan \$50,000.00 to the Hometown Heroes Veterans Memorial Park which will be reimbursed with the State's Grant.

**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**

A recommendation was received from the Zoning Board for a Special Use Permit to build and operate a sawmill on 7004 Elm Flat Rd and requires a public hearing by the Town. The application will be available for public review in the Town Clerk's office during regular office hours.

**Motion:** by Councilman Scott Cummings to set a public hearing on Monday, May 13, 2019 at 7:15pm.

**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**

A resignation was submitted by the Town Appraiser, Kim Meleen, effective April 12, 2019. She has been offered the position of Assistant Director of Real Property Tax at the County.

**Motion:** by Councilman Thomas Carlson to accept the resignation asking the Clerk to send a letter thanking Ms. Meleen for her 16 years of service to the Town and congratulate her on her new position.

**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**

A proposal from LandPro for 2 new Zero-turn lawn mowers was reviewed. One would be for the grounds of the Community Municipal Building and the other for the Highway. Tim Hull voiced a concern with the maneuverability of a zero-turn on the large hills surrounding the Community Municipal Building stating he has one and finds they don't do well on steep hills.

**Motion:** by Councilman Thomas Carlson authorizing the purchase of a new Z915E Z-Track for the Town Highway department not to exceed the state bid price of \$6,900.00 and a new Z930M Z-Track for the Town's building and grounds department not to exceed the state bid price of \$8,888.88 contingent upon a trial run to ensure the model is suitable for the terrain at the Community Municipal Building.

**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**

A proposal from Powerstar Tractors was submitted by the Highway Superintendent. Instead of obtaining the new chipper previously approved by the board, there is a greater need for a new tractor. With the trade-in value of the TL 90 cab tractor, pricing is would be about the same as the chipper.

**Motion:** by Councilman Scott Cummings authorizing the purchase of a New Holland Powerstar 110 cab tractor not to exceed the state bid price of \$33,500.00.

**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**

### **Chautauqua County Mental Hygiene Lease Agreement**

**WHEREAS:** the Town currently has a contract with Chautauqua County Mental Hygiene for office space located at 2 Academy St. Mayville, NY 14757 that will expire July 31, 2019

**WHEREAS:** according to contract 16-33-30, the County must notify the Town Board by April 30, 2019 if they wish to renew their lease.

**WHEREAS:** the County has inquired on what the new rate would be if they were to exercise their option to the lease agreement for the first of two additional terms of three years.

**RESOLVED,** that supervisor Donald Emhardt is hereby authorized to execute the contract renewal with Chautauqua County Mental Hygiene with the same rate and terms for an additional Three-years starting August 1, 2019

**Motion:** by Councilman Kenneth Burnett.

**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 Establishing Concept Approval Committee**

**WHEREAS:** an inquiry was made about a Planned Unit Development(PUD) being established in the Town at the intersection of Rte 394 and Chautauqua-Stedman Rd.(Cnty.Rd. 33).

**WHEREAS:** a PUD is an authority granted by a special use permit to allow the construction of dwelling units within a designated area,

**WHEREAS:** an applicant meeting the minimum requirements for PUD outlined in Chapter 143-20B of the Town Zoning Law must submit an application to the Concept Approval Committee

**WHEREAS:** In accord with the Town Zoning Law, Chapter 143-22A, a Concept Approval Committee comprised of three members of the Town Board and two members of the Zoning Board is required for the preliminary PUD plan review and recommendation to the Town Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Chautauqua establishes the Concept Approval Committee and appoints Councilman Dave Ward as the Chairman, Councilmen Thomas Carlson and Kenneth Burnett, and Charles Krause and James Hurley from the Zoning Board as its members.

**Motion** made by Councilman Scott Cummings

**Second:** Supervisor Donald Emhardt

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

**Carried**

**Motion:** by Councilman Kenneth Burnett to approve the Supervisor's reports for February and March

**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 Scott Cummings approve the vouchers as presented to the board for payment. Abstract #004, Voucher # 178-260

**ABSTRACT # 004**  
**DEPOSIT OF 03/01/2019 - 04/30/2019**

Code	Fund	Amount
<b>Book:    A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4</b>		
A	GENERAL FUND - TOWNWIDE	71,496.61
B	GENERAL FUND - OUTSIDE VILLAGE	1,901.45
DA	HIGHWAY FUND - TOWNWIDE	22,399.34
DB	HIGHWAY FUND - OUTSIDE VILLAGE	7,905.74
H3-	SEWER & WATER EXPANSION	6,328.96
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	324.51
SL2-	DEWITTVILLE LIGHTING DISTRICT	339.10
SL4-	BAYBERRY LANDING LIGHTING DIST	18.88
SS1-	CHAUT HEIGHTS SEWER DISTRICT	2,982.78
SW1-	CHAUT HEIGHTS WATER DISTRICT	14,164.41
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	13,527.76
<b>Total:</b>		141,389.54

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Motion** made by Councilman Thomas Carlson to adjourn the regular meeting at 7:55 P.M.

**Second:** Councilman Scott Cummings

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

**Carried**

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Rebecca Luba, RMC  
 Town Clerk  
 Town of Chautauqua