

**Regularly scheduled meeting was held via teleconference using the following platform:**

Freeteleconference.com

Call-in number 701-802-5087 Access Code 62481

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

**Present by phone:** Emit Tenpas(Mayshark Builders) and Andrew Johnson(Eco Strategies).

Supervisor Donald Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance followed by a roll call of everyone in the room and callers attending via phone were asked to identify themselves. A disclosure was made informing all that the meeting was being recorded.

**Motion** made by Councilman, Dave Ward to approve the minutes as presented to the board for March 9, 2020.

**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**

**Public Comment:**

None

**Committee Reports:**

**Capital Project- Sewer Dist. 1 Upgrade**

Councilman Carlson reported on the project status of Sewer District 1 Upgrade. Pump station and force main are up and running. Blacktop for the access roads is scheduled to start next week.

**Mobitrac-Lake Clean-up Program**

Supervisor Emhardt reported that the first payment of \$45,000.00 was received from the \$90,000.00 grant awarded by Chautauqua Lake & Watershed Management Alliance(CLWMA) for the purchase of a new Mobitrac. Due to the original purchase price for the Mobitrac being lower than projected, additional funds would be available for purchasing a trailer and GPS units for all machines to better track the clean-up. A letter has been sent to CLWMA requesting approval for these purchases with the remaining funds. The additional equipment and trailer would enable the Town to better assist other areas around the lake in shoreline clean-up. Clean-up of Hadley Bay shoreline was requested and is currently being scheduled.

**Departmental Reports:**

Town Clerk monthly report for April was submitted and filed. Collections totaled \$28,196.09 and disbursed as follows: Supervisor-General Fund: \$400.99, B Fund: \$479.60, Sewer User Fees-SS1 Fund: \$16,345.94, Sale of Water- SW3 Fund: \$10,892.39, NYS DEC license sales: \$14.17, NYS Animal Population Control program: \$63.00. Clerk's office remains closed to the public.

Town Court closed through April. No report submitted.

Code/Zoning Office reported issuing 5 building permits with project values of \$42,800.00 and 17 Certificates of Completion were issued with project values of \$1,798,464.00. All commercial

construction crews have been shut down unless they are permitted through the state as essential. Only emergency home repairs and projects by homeowners are being permitted.

Highway report submitted and on file. Covid-19 work schedule: 50% staff March 19<sup>th</sup> & 20<sup>th</sup>. Full crew was ordered off March 23<sup>rd</sup> thru April 29<sup>th</sup> reporting for emergencies only. 50% staffing April 13<sup>th</sup> thru May 6<sup>th</sup> with full crew returning May 7<sup>th</sup>. Purchased for Covid-199: Betco Cleaner, hand sanitizer, hand wipes, gloves and masks.

Took weight limit and snowmobile signs down, continued to broom roads, started patching roads and took plow equipment off.

Assessor's report was submitted and on file. Tentative roll was filed with the County on May 1, 2020 and legal notice published in the Post Journal. A link to the tentative roll was forwarded to the Clerk's office for posting to the Town's website. Change of assessment notices have been mailed to property owners that had any change in their assessed valuation from new construction, demolitions, or property review requests. The Board of Assessment Review hearings will be held on May 27, 2020 via teleconference from 3pm-5pm and 6pm to 8pm.

**Agenda:**

**Resolution- Sewer District 1 North Extension 1- Lead Agency for SEQRA**

**Whereas**, The Town is proposing to extend public sewers to serve 90+/- homes within the existing Town of Chautauqua sewer district number 1 extension 1 North(SD-1-E1N).

**Whereas**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Type 1 action and will determine if the proposed action will have a significant effect on the environment; and

**Whereas**, the Lead Agency will undertake a coordinated review of this proposed action.

**Now, Therefore, Be It Resolved**, that the Town Board hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notices along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

**Motion:** by Councilman Scott Cummings to adopt the resolution as presented

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Thomas Carlson – Abstained due to employment by project engineer

Councilman Dave Ward- Aye

Councilman Kenneth Burnett – Aye

**Carried**

**Sewer District 1- Pump Station grinder pump**

The grinder pump station at the villas in sewer district one is in need of repair. Ramboll(OBG) Has been working with fluid Kinetics Inc. on the parts needed. Total estimated cost to repair the grinder pump is \$16,979.00. Funds are available through the EFC Loan Obtained for the sewer district upgrade. These purchases would be meet the EFC requirements under the current loan financing agreement.

**Motion:** by Councilman Thomas Carlson to authorize the Expenditure of \$17,000 from the EFC loan to purchase the parts described in quote No. 20-122 from Fluid Kinetics Inc.

**Second:** Councilman Dave Ward

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

**Carried**

**Water Dist 2- Water Quality Project**

O'Brien and Gere engineers Inc., a Ramboll company, presented the board with an amendment for additional engineering services related to water supply in water district number 2. Ramboll has identified two potential well sites with a preferred site adjacent to the Dewittville fire department. This would require a memorandum of understanding between the fire department and the Town of Chautauqua. Additional hydrogeologic, soil and water quality information are necessary to confirm the feasibility of development of a new ground water supply well for that location.

Two proposals for geotechnical investigations were acquired by Ramboll and included in their proposal dated May 8, 2020. Ramboll is requesting the town to amend the overall budget for the project (project #75205) From \$27,500-\$49,550 To cover both the geotechnical investigations and water quality analysis.

**Motion:** made by Councilman Scott Cummings to move forward with the test well installation and water quality analysis by accepting the engineers proposed increase of \$22,000 to project #75205 in Water Dist. 2 awarding SJB Services, Inc. for geotechnical services contingent upon the memorandum of understanding with the Dewittville fire department.

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Dave Ward – Aye  
Councilman Thomas Carlson – Abstained due to employment by project engineer  
Councilman Kenneth Burnett – Aye

**Carried**

**Public Hearing- Continuation of public comment for Mandolin Ridge Sub-Division**

Public Hearing was continued from the March 9<sup>th</sup> meeting. The board reviewed additional comments and letters submitted by the public and affected agencies. No further comments were offered at the meeting. Andrew Johnson, engineer for the project, stated he has talked with NY State Historic Preservation Office(SHPO) and is currently working on a phase 1 archaeology study. This is not required for SEQR but they want to ensure minimal impact on the area with the project moving forward.

**Motion:** by Councilman Scott Cummings to close the public hearing at 7:25pm.

**Second:** Councilman Thomas Carlson

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

**Carried**

**Resolution- SEQRA Negative Declaration- Mandolin Ridge**

**WHEREAS**, A request was made by H&H Chautauqua Development, LLC for the Town of Chautauqua to act as lead agency in the SEQRA process for the proposed Mandolin Ridge sub-division that would create 54 half-acre residential lots and 2 five-acre commercial building lots on a parcel located near the intersection of Route 394 and Chautauqua-Stedman Road, designated on the Chautauqua County tax map as Section 297.00, Block 1, Lot 49.1.

**WHEREAS**, in accord with the New York State Environmental Quality Review Act(SEQRA) the Town of Chautauqua Board issued a notice of intent to serve as lead agency for a coordinated environmental review of the proposed Sub-Division by resolution on January 13, 2020

**WHEREAS**, a full environmental assessment was completed and notice of intent submitted to all involved agencies on February 10, 2020 for the proposed Type 1 Action

**WHEREAS**, a public hearing was scheduled and held on March 9<sup>th</sup> and May 11<sup>th</sup> to review agency responses and hear all public comments on the proposed development

**WHEREAS**, the Town Board has determined that the project 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 a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

**Motion:** by Councilman Dave Ward to adopt the resolution as presented issuing the negative declaration

**Second:** Councilman Thomas Carlson

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

**Carried**

**Set Public Hearing for SUP- Chautauqua Gorge Campground on Hannum Rd.**

The Zoning Board of Appeals is scheduled on May 19<sup>th</sup> to review an application received by Andrew Johnson to operate a family campground on Hannum Rd. for recommendation to the Town Board which requires a public hearing.

**Motion:** by Councilman Scott Cummings to set a public hearing on June 8, 2020 at 7:15pm.

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Set Public Hearing for SUP- Leroy Parker for Storage Building in Dewittville**

The Zoning Board of Appeals is scheduled on May 19<sup>th</sup> to review an application received by Leroy Parker to construct a commercial storage building in Dewittville for recommendation to the Town Board which requires a public hearing.

**Motion:** by Councilman Thomas Carlson to set a public hearing on June 8, 2020 at 7:30pm.

**Second:** Councilman Scott Cummings

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

**Carried**

**Agreement- Joint Operation with CLA for Lake Clean-up**

A draft of the Joint Operation Agreement with the Chautauqua Lake Association(CLA) for shoreline cleanup was presented to the board and discussed.

**Motion:** by Councilman Thomas Carlson noting the joint services between the Town and CLA would promote the health and safety of Lake Chautauqua and authorizes the Supervisor to negotiate the terms and conditions and execute the agreement in the best interest of the Town and its residents.

**Second:** Councilman Kenneth Burnett

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

**Carried**

**Membership- CLWMA vote for Board of Directors**

The member voting form was received from CLWMA for the 2020 Board of Directors election. The Board reviewed the recommended slate and individual candidates.

**Motion:** by Councilman Thomas Carlson to authorize the Supervisor to execute a vote for Sections A, recommended slate, with the redirect for Town/Village candidate Jim Andrews.

**Second:** Councilman Dave Ward

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

**Carried**

**Non-Agenda items/Discussion:**

We received our annual exit liability notice from the County for Worker's Compensation. The exit liability for the town to withdraw from the County's insurance plan would be \$406,106.00.

In response to the Covid-19 pandemic, Chautauqua Institution has made the announcement to close the 2020 Summer season of programming in which they will be conducting several of the previously scheduled lectures online. Property owners will still have access to their homes and the gates will be open to the public.

The County Health Department is requesting all summer residents returning from another area to self-quarantine for 14 days for the health and safety of our community.

Town Assessor, Kevin Okerlund, has stated an intent to retire the end of June. Though he hasn't submitted a formal resignation, he has notified the Town Supervisor so the board will have time to discuss his replacement and negotiate any inter-municipal agreements that may be required.

**Motion** made by Councilman Dave Ward to approve the Supervisor's Reports for March and April.

**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 Scott Cummings approve the vouchers as presented to the board for payment. Abstract #004, Voucher #185-246 and Abstract #005, Voucher # 247-294

**ABSTRACT # 004**  
**DEPOSIT OF 03/01/2020 - 04/30/2020**

Code	Fund	Amount
<b>Book:    A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4</b>		
A	GENERAL FUND - TOWNWIDE	40,697.48
B	GENERAL FUND - OUTSIDE VILLAGE	3,912.53
DA	HIGHWAY FUND - TOWNWIDE	292,016.75
DB	HIGHWAY FUND - OUTSIDE VILLAGE	6,576.21
H3-	SEWER & WATER EXPANSION	2,014.50
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	299.54
SL2-	DEWITTVILLE LIGHTING DISTRICT	298.07
SL4-	BAYBERRY LANDING LIGHTING DIST	18.67
SS1-	CHAUT HEIGHTS SEWER DISTRICT	324.43
SW1-	CHAUT HEIGHTS WATER DISTRICT	7,595.59
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	14,056.76
<b>Total:</b>		<b>367,810.53</b>

**ABSTRACT # 005**  
**DEPOSIT OF 04/01/2020 - 05/31/2020**

Code	Fund	Amount
<b>Book:    A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1</b>		
A	GENERAL FUND - TOWNWIDE	23,099.67
B	GENERAL FUND - OUTSIDE VILLAGE	63,354.44
DA	HIGHWAY FUND - TOWNWIDE	23,841.05
DB	HIGHWAY FUND - OUTSIDE VILLAGE	6,235.42
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	296.81
SL2-	DEWITTVILLE LIGHTING DISTRICT	294.07
SL4-	BAYBERRY LANDING LIGHTING DIST	18.38
SS1-	CHAUT HEIGHTS SEWER DISTRICT	339.07
SW1-	CHAUT HEIGHTS WATER DISTRICT	11,240.15
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	4,529.51
<b>Total:</b>		<b>133,248.57</b>

**Second:** Councilman Thomas Carlson

**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 8:00 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