

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Deputy Clerks, Elizabeth Steinbach and Jessica Emhardt, Highway Superintendent, Dan Thorsell and Town Justice, Tim Hull.

Others Present: Residents Sharon Smead, Sandy and Jeff Wagner, Taylor West(CLWMA), County Legislator, Marty Proctor, Village Mayor, Ken Shearer

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 April 08,2019

Second: Councilman Dave Ward

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

Carried

Public Comment:

Marty Proctor introduced himself to the Board stating that he will be completing Dave Himelein’s term as County Legislator this year. He currently has no plans on running in the upcoming election but will be available for questions and concerns for our district through the end of December.

Committee Reports:

Councilman Dave Ward reported on the status of the Concept Approval Committee for a proposed PUD in the Town of Chautauqua. The applicant is considering some alternatives and hasn’t submitted anything to review.

Supervisor Emhardt and Councilman Carlson reported on the project status of Sewer District 1 Upgrade. Final papers have been signed to reroute the lines to go around the one property in which an easement could not be obtained. Construction of the Force Main is moving along with crews working on both ends of the main.

Departmental Reports:

Town Clerk report was submitted and filed. Fees collected for April totaled \$12,958.30; Dog License sales of \$410.00; Conservation sales of \$207.00; Building/Zoning fees of \$1,325.00 and 4 Marriage licenses were issued.

The County Director of Tax and Finance attended the Municipal Clerk’s meeting in April to discuss ways of working together on taxes to ease the burden on both the collectors and County Tax Department. We will be adding data entry into the County tax program to our current procedures using School Tax Collection as a trial run to see if this will be more efficient for all involved saving both time and money.

With the additional help, the Clerk’s office is now adequately staffed to remain open during the lunch hour, cover vacations, sick days and training conferences.

A thank you letter was received from the Mayville/Chautauqua Community Chamber of Commerce for the Town financial sponsorship of the 2019 President’s Day Winter Festival.

Justice Court reports have been submitted and are on file in the clerk's office.

Code/Zoning Office reported issuing 29 building permits with project values of \$1,209,060.00 and 11 Certificates of Completion were issued with project values of \$158,350.00.

Highway report submitted and on file. Installed 180ft of pipe on Town property on Knight St. Completed spring clean-up, cleaned and pained plow equipment, Installed pipe at Elmwood Rd & Big Inlet Brewery. Woods batwing and Zero-Turn mowers have been delivered.

Assessor's report was submitted and on file. Tentative roll was filed with the County on May 1, 2019 and legal notice published in the Post Journal. A link to the tentative roll will be 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 29, 2019 from 3pm-5pm and 6pm to 8pm.

The department has hired Stephen Sorg to fill the vacancy for appraiser. The position will entail 26 hours/week at a proposed salary of \$30,000 a year with health insurance.

Motion: made by Councilman Kenneth Burnett to approve Stephen Sorg as appraiser for the Town of Chautauqua at the proposed hours and salary recommended by the Assessor.

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

Agenda:

Taylor West gave a brief presentation introducing himself as the new Communications Coordinator for Chautauqua Lake and Watershed Management Alliance and reiterated the Alliance's goals and objectives for the health, ecology and use of Chautauqua Lake. Taylor has a B.S in Fisheries and Wildlife Science and is very passionate about the health of Chautauqua Lake being a lifelong resident to the area. In his research and studies, he has found over 30 studies on Chautauqua Lake since 1938 and would be happy to share them. He is planning on attending Town meetings on a quarterly basis but encouraged the Board to reach out to him with any questions or concerns.

Sawmill SUP -Elm Flat Road

A Public Hearing was scheduled and advertised in the Jamestown Post-Journal and copied to adjacent neighbors for a Special Use Permit application submitted by Amos Byler to operate a sawmill on Elm Flats Rd.

Motion: by Councilman Thomas Carlson to open the public hearing at 7:15P.M.

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

Supervisor Emhardt reviewed the application and the floor was then opened to the floor for public comment and questions in which there were none.

Motion: by Councilman Thomas Carlson to close the public hearing at 7:17P.M.

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

Negative Declaration:

WHEREAS, Amos Byler has applied for a Special Use Permit allowing him to operate a sawmill on property located at 7004 Elm Flats Road and designated as tax map parcel Section 212.00, Block 1, Lot 5, and

WHEREAS, the proposed use 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 short Environmental 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 use, and

WHEREAS, the Town Board has determined that the proposed use will not have a significant environmental impact,

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: made by Councilman Kenneth Burnett to approve the negative declaration as presented.

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

Resolution-Special Use Permit

Action of the Board:

To consider the application of Amos Byler for a Special Use Permit allowing him to operate a sawmill on property located at 7004 Elm Flats Road on a parcel designated as tax map parcel Section 212.00, Block 1, Lot 5.

WHEREAS, Amos Byler, hereinafter called the “Applicant”, has submitted a special use application requesting permission to operate a sawmill at 7004 Elm Flats Road in the Residential-Agricultural (R-AL) District, intending to modify a Special Use Permit issued by the Town in June 2011 for the same use on the same property, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act (SEQRA) has been addressed after a short Environmental Assessment Form was prepared, and a negative declaration was

issued after careful consideration of all potential adverse environmental impacts, an examination of the record, and a public hearing, and

WHEREAS, the proposed action was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on March 19, 2019, after publication of legal notice, at which time all persons having an interest in the application were heard, and recommendations in writing were made by that board, and

WHEREAS, the Town Board has considered all the facts and papers before it, including the recommendations of the Town of Chautauqua Zoning Board of Appeals made after the March 19, 2019 hearing and all SEQRA issues, and having heard those wishing to be heard at a public hearing held May 13, 2019, after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the Special Use Permit application for a sawmill at 7004 Elm Flats Road pursuant to Section 143-28(H)(13) of the Town of Chautauqua Zoning Code be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicants shall undertake the permitted use in accordance with the application and supplementary documents prepared, upon information and belief, by the applicant and submitted to the Town, and to be bound by the terms of the application and the conditions of this permit, including that the mill will be operated only between the hours of 7:00 a.m. and 5:00 p.m..
2. This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.
3. Any failure or omission on the part of the Applicants to carry out the conditions or requirement herein or accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Chautauqua Zoning Code and unless corrected in not more than ten (10) days following the service of written notice of such violation upon the applicant, may subject the Applicants to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
4. This Special Use Permit shall become effective after the Applicants approve each and every provision hereof and agree to be bound by all of the terms of herein contained in consideration of the granting of this Special Use Permit.

Motion: made by Councilman Dave Ward to approve the resolution as presented.

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

**TOWN OF CHAUTAUQUA RESOLUTION
ENDORSEMENT FOR ENVIRONMENTAL PROTECTION FUND GRANT APPLICATION FOR
WESTERN NEW YORK LAND CONSERVANCY PARK PROJECT**

WHEREAS, the Western New York Land Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a

park project to be located at the College Lodge with a mailing address of 8067 Rte. 380, Brocton, NY 14716, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved, the Town of Chautauqua Board hereby does approve and endorse the application of the Western New York Land Conservancy for a grant under the Environmental Protection Fund for a park project known as the College Lodge Forest and located within this community.

Motion: made by Councilman Scott Cummings to approve the resolution as presented.

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

Highway Superintendent, Dan Thorsell, presented the board with a quote for a new John Deere Loader at the state bid pricing of \$23,600 after the trade in.

Motion made by Councilman Scott Cummings to accept the State bid price as presented authorizing the Highway Superintendent to sign the necessary paperwork to complete the purchase.

Second: Councilman Dave Ward

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye
Councilman Thomas Carlson – 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 \$406,106.15.

Councilman Dave Ward expressed his concerns with the last meeting on the Mayville-Chautauqua Storm-water Management study and his disapproval of the projects they are considering which includes repaving the County parking lot. Since the Town and Village have invested in this study he feels that is who should benefit, not the County. There are several other areas within the Town and Village that need to be addressed. Taylor West from CLWMA stated his concerns were noted and he will relay them to the group.

Motion made by Councilman Thomas Carlson to approve the Supervisor's Report for April.

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

Motion made by Councilman Scott Cummings approve the vouchers as presented to the board for payment. Abstract #005, Voucher # 261-332

ABSTRACT # 005
DEPOSIT OF 04/01/2019 - 05/31/2019

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4		
A	GENERAL FUND - TOWNWIDE	24,526.99
B	GENERAL FUND - OUTSIDE VILLAGE	13,646.55
DA	HIGHWAY FUND - TOWNWIDE	50,864.11
DB	HIGHWAY FUND - OUTSIDE VILLAGE	25,005.32
H3-	SEWER & WATER EXPANSION	428,028.97
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	315.53
SL2-	DEWITTVILLE LIGHTING DISTRICT	327.16
SL4-	BAYBERRY LANDING LIGHTING DIST	18.35
SS1-	CHAUT HEIGHTS SEWER DISTRICT	3,243.87
SW1-	CHAUT HEIGHTS WATER DISTRICT	9,666.67
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	4,877.46
Total:		560,520.98

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 7:45 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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua