

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

**Others Present:** Refer to sign-in sheet at end of minutes

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 May 10, 2021

**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:**

Ryan Hull addressed the Board regard noise issues with the Chautauqua Barn wedding venue located off Davis and Chautauqua-Stedman Road. Mr. Hull stated that the music is so loud the windows rattle on his house. He has spoken with the owners, but it remains an issue. Supervisor Emhardt stated that he would review their Special Use Permit and talk with the owners.

**Committee/Department Reports:**

Town Clerk report was submitted and filed. Fees collected for May totaled \$9,844.33; Dog License sales of \$316.00; Conservation sales of \$1,655.00; Building/Zoning fees of \$2,850.00 and 3 Marriage licenses were issued.

June dog license renewals have been mailed as well as final notices for all overdue licenses.

Water Quality Reports were sent to all users within water districts 2 and 3. Betty and Jess attended the annual records management training in Geneva, NY. Sarah from Southern Tier West is scheduled to review our records program at the end of the month to see if there are any grants we may qualify for while transitioning to electronic records.

Town offices will be closed Monday, July 5<sup>th</sup> in observance of Independence Day.

Code/Zoning Office reported issuing 27 building permits with project values of \$962,350.00 and 23 Certificates of Completion were issued with project values of \$1,719,514.00.

Highway report submitted and on file. New 2020 Ford F-550 was delivered. Installed 280' of drainage pipe on Magnolia with North Harmony. Ditched Lawson Rd. and replaced two driveway pipes. Ditched Elm Flat and replaced two 15' cross pipes and started mowing road sides.

Assessor's report was submitted and filed with the Clerk's office. Grievance Day for the 2021 assessment roll was held on Wednesday, May 26, 2021, with two Board of Assessment Review Boards. The Board of Assessment Review Hearings were scheduled by appointment only and took place via phone conference. All other property owners that presented a grievance form to the Assessor's Office on or before May 26<sup>th</sup>, that did not have a phone appointment, were reviewed as a mail-in by the Board of Assessment Review. This included property owners that walked into the office on that day. If proper paperwork was not given, the grievance could not be reviewed. The

Boards for Assessment Review came back on June 2<sup>nd</sup> to complete the remaining mail-ins that they were unable to get to on May 26<sup>th</sup>.

**Agenda:**

**Highway- Diesel Tank Bids**

The Town Highway is in need of two new diesel tanks. Quoted were submitted to the for one 2,000-gallon tank and one 500-gallon tank and presented the following quotes to the Board;

<u>Lancaster Tanks and Steel Products</u>	-	\$48,154.46
<u>Jemko</u>	-	Unable to Quote at this time
<u>Sourcewell</u>	-	\$40,000.00
<u>Lictus</u>	-	\$25,641.55

**Motion** made by Councilman Scott Cummings to accept the bid submitted by Lictus authorizing the Highway Superintendent to purchase 2 new diesel tanks as quoted, not to exceed \$25,642.00.

**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**

**Engineering- Proposed Solar Project**

The Board reviewed a proposal from Wendel for engineering services associated with the review of an application submitted by Omni Navitas Holdings, LLC., to construct a 5-megawatt solar farm on Hartfield-Stockton Rd. in the Town of Chautauqua. The proposal also includes SEQRA review and completion.

**Motion** made by Councilman Thomas Carlson authorizing the Supervisor to execute an agreement not to exceed \$15,000.00 contingent upon a signed agreement by Omni Navitas agreeing to reimburse the Town for the related expenses.

**Second:** Councilman Ken Burnett

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

**Carried**

**Public Hearing- Solar Project on Hartfield-Stockton Rd.**

*Legal for this hearing ran in the Jamestown Post-Journal on 6/1/2021, posted on Town website and copied to neighboring properties.*

*A petition was previously submitted by the Amish community opposing the project for preservation of farmland. Two emails were received, one in opposition and one in favor of the project, and copied to the Board.*

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

**Second:** Councilman Ken Burnett

**Vote:** Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Dave Ward- Aye  
Councilman Kenneth Burnett – Aye

**Carried**

Peter McAuliffe from Omni Navitas Holdings, LLC gave a presentation on the proposed solar project and answered questions.

Several residents spoke in opposition of the project voicing concerns on the environmental impact these would have, the effect on the local farming community and economy, where the panels were being acquired and the decommissioning after use, harmful PFAs, and the overall aesthetics to the area. A neighboring property owner also voiced concern of the heat that would be generated off the panels.

Councilman Carlson stated that the same group in opposition of this solar project is the same group that was opposed to wind energy and fracking. He asked if there was an alternate energy source they would prefer the Town to consider in the event we no longer can depend on fossil fuels.

A few residents stated nuclear energy would be a better choice for the area and safer. Another resident felt alternative energy sources are being pushed too quickly by the state and would like to see a town-wide moratorium on all sources until more information becomes available.

The Board stated these concerns would be taken into consideration and reviewed with the Town's engineer and legal counsel.

No action was taken, and the hearing was left open for further review and comment.

**Water District 2 – Water Source Project**

Report was submitted and filed. Flushing hydrants were installed on May 12, 2021 in compliance with the administrative order on consent. MOU between the Town and Jane Currie has been executed and wetland delineation and hazardous material investigations completed. Next steps will be to complete a topographical survey, geotechnical program, plan initial draft of water production well testing once wetland location and permit requirements are addressed. Town will begin property acquisition activities.

**Lease Renewal- CSEA**

Current lease with CSEA will expire June 30, 2021. Tenant has reviewed the proposed 5-year renewal and agrees to the new annual rate of \$5,700.00, payable in monthly installments of \$475.00.

**Motion** made by Councilman Ken Burnett to authorize the Town Supervisor to execute the lease renewal as presented.

**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**

**Lease Renewal- CHRIC**

Current lease expired May 31, 2021. Tenant has reviewed the proposed 5-year renewal and agrees to the new annual rate of \$16,596.00, payable in monthly installments of \$1,383.00.

**Motion** made by Councilman Thomas Carlson to authorize the Town Supervisor to execute the lease renewal 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**

### **Chautauqua Co. Lake Management- MOU update**

A letter dated May 18, 2018 was received from County Executive, Paul Wendel Jr., addressing concerns whether the MOU would be strictly enforced as a contract and reiterating the fact that the MOU is a statement of good faith intent and understanding, not a legally binding agreement.

**Motion** made by Councilman Scott Cummings approving the May 1, 2021 MOU as presented and authorizes the Town Supervisor to execute the Agreement titled 21-26-10/ChautLakeMOU.19

**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**

### **SUP Extension- Chautauqua Gorge Campground**

The Special Use Permit granted for Chautauqua Gorge expired on June 8<sup>th</sup>, 2021. The project is 99% complete and is currently waiting for the water to be turned on. Due to Covid 19 and the Texas freeze, work and materials have been delayed. Owner, Andrew Johnson, is requesting an extension of 1-month.

**Motion** made by Councilman Thomas Carlson to extend the Special Use Permit for an additional 6 months due to the current circumstances.

**Second:** Councilman Kenneth Burnett  
**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Abstained (neighboring property)  
Councilman Dave Ward – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

### **Non-Agenda items/Discussion:**

**Motion** made by Councilman Scott Cummings to approve the Supervisor's Report for May.

**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 to approve the vouchers as presented to the board for payment. Abstract #006, Voucher # 290-369

**ABSTRACT # 006**  
**DEPOSIT OF 05/01/2021 - 06/30/2021**

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Code	Fund	Amount
<b>Book:    A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1</b>		
A	GENERAL FUND - TOWNWIDE	49,878.30
B	GENERAL FUND - OUTSIDE VILLAGE	8,135.79
DA	HIGHWAY FUND - TOWNWIDE	21,433.76
DB	HIGHWAY FUND - OUTSIDE VILLAGE	17,561.01
H4-	WATER DISTRICT 2	6,815.23
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	290.08
SL2-	DEWITTVILLE LIGHTING DISTRICT	284.05
SL4-	BAYBERRY LANDING LIGHTING DIST	17.61
SS1-	CHAUT HEIGHTS SEWER DISTRICT	150.36
SW1-	CHAUT HEIGHTS WATER DISTRICT	21,909.14
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	938.02
<b>Total:</b>		127,413.35

**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 8:52 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

TOWN OF CHAUTAUQUA

Monday, June 14, 2021 Meeting

PLEASE PRINT

NAME

ADDRESS

NAME	ADDRESS
P.J. Wendel	20 Fern Ave Lakewood
Paul Ritacco III	13 CENTER CHQ
Paul Ritacco II	"
CHRISTIAN Ritacco	"
NIKK HOLLAND	700 HALLOCK ST., JAMES TOWN
MARTY PROCTOR	2276 SUNNYSIDE FINDLEY LAKE
Charles Kelsey	12 Maple Dr. E., Mayville
MIKE BARNES	48 E EVANS ST MAYVILLE
SALLIE JOHNSON	440 FRANKLIN AVE DEWITT
Peter McWiffe	Ordo: Navitus
Karen Engstrom	5188 W. Lake Rd Mayville
Doug Marshall	6301 Wright Rd. Dewittville
Wanda Miller	9107 Finley Rd Westfield, NY
Ryan Hull	6363 Davis Rd Mayville NY
Paul Anthony	52 Foster, Chautauque, NY
Tim Miller	4088 Crown St Mayville
LISA MERTZ	85 S. Erie 14757
Bue Klossner	5437 Broadland Ave Dewittville NY
ROGER L. KLOSSNER	5437 BROADLAND AVE DEWITTVILLE NY
ROGER L. KLOSSNER II	6485 E. Lake Rd Mayville, NY 14757
Cynthia Schach	86 Elm Street Mayville NY
Jeff Manso	5590 LEFT AVE. DEWITTVILLE
James Hall	6049 Moore Rd Mayville NY
Debra Walter	6074 N. Lake Rd Mayville