

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

Others Present: Andrew Johnson, Ronald Johnson, David Freay, Tammy and Fred Davis, Rita Schultz, Elsie and Ryan Alonge, Paul Lubowicki, Dave and Nancy Crandall

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 for 5/11/20 teleconference and 4/13/20 file entry.

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 Comments:

None

Departmental Reports:

Town Clerk report for the month of May was submitted and filed. Monthly fees remitted totaled \$8,062.39; Dog License sales of \$453.00; Conservation sales of \$140.00, Building/Zoning fees of \$2,145.00 and 4 Marriage licenses were issued.

Town offices are reopened for regular hours with full staffing. Plexi-glass has been installed at the clerk's counter for public transactions. Face masks are required when working with the public and 6ft social distancing is observed at all times. Additional sanitizing measures have been implemented for common use areas.

Building Department reported that 29 permits were issued in May with a total project value of \$914,480.00 and 10 Certificates of Completion were issued with a total project value of \$236,407.60.

Highway reported ditching on Hewes, Webber and Davis Roads. Grater patching on the crossroads. Installed 18" pipe on Hewes rd. Installed 50" steel culvert and removed old box culvert on Parker Rd. Preparing to build road up on Parker Rd. for paving and started mowing roadsides.

Assessor's report was submitted and on file. Board of Assessment Review Hearings were held May 27th in which 12 parcels were presented to the Board for review. Final roll will be filed with the County and State July 1, 2019 and the appropriate legal will be published. Office staff has done a fantastic job maintaining fieldwork, valuations, exemptions and admin. duties throughout the Covid-19 shutdown.

Assessor gave formal notice to the board, effective June 27, 2020, he will be retiring and thanked the Town for allowing him to serve as assessor.

Town Court cases are still postponed until August. Office staff is continuing to check emails and calls for questions. No report submitted.

Committee Reports:

Sewer- Access road has been patched. Councilman Carlson inquired about the status of the sewer use ordinance. Attorney Seachrist stated that the Town should consider simplifying it by adopting the same rules as North Chautauqua Lake Sewer District since they service the district. A copy will be emailed to the Board for review.

Water- The MOU with Dewittville Fire Department was approved. The test well project for Water District 2 is now able to move forward.

Agenda:

Shoreline Clean-up- Seasonal Employees

The Town is currently managing three Mobitrac machines for shoreline clean-up. Two of which belong to the Town and one that is leased from the County of Chautauqua. The plan is to have all machines manned 40hrs a week with one on transport to assist other areas around the lake.

Motion made by Councilman, Thomas Carlson to set the seasonal employee rate for shoreline clean-up at \$14.00/hour working 40 hours/week effective immediately.

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

Shoreline Clean-up- Mobitrac Intermunicipal Services

The Town is currently negotiating an agreement with Chautauqua Lake Association(CLA) to help with the pick-up and transportation of weeds around the lake. Other municipalities have inquired about the use of a Mobitrac to assist in their shoreline clean-up. Currently, operational expenses are being covered by a grant obtained through Chautauqua Lake Watershed Management Alliance(CLWMA). Once grant funds are expended, these costs will have to be billed to the requesting municipality.

Highway- Truck Purchase

The highway department will need to purchase a new plow truck in 2021. Due to the delay in shipping, the truck will need to be ordered now. A request was submitted through Sourcewell co-operative purchasing for a 2020 Ford f-550 XL. Van Bortel Ford was the winning bid at \$111,297.86.

Motion made by Councilman, Thomas Carlson to approve the purchase and to have it added to the 2021 budgetary expenses.

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

Assessor- Contract

Due to the retirement of Kevin Okerlund, the board discussed options for a new shared service agreement for assessment services. The current contract with the Town of Busti is being reviewed and a proposal is being submitted by the Town of Ellery. A formal decision will be made at the next meeting.

Special Use Permit- Chautauqua Gorge Campground on Hannum Road

To consider the application of Andrew Johnson d/b/a Chautauqua Gorge Campground, LLC, for a Special Use Permit allowing the operation of a campground at 8054 Hannum Road, on a parcel designated as tax map parcel Section 260.00, Block 2, Lot 4.2.

Motion made by Councilman, Thomas Carlson to open the public hearing at 7:15PM.

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

Applicant Andrew Johnson reviewed the application and outlined their plan to help mitigate concerns from neighbors stating the campground would be marketed as a family campground promoting environmental health and would comply with all rules and regulations. Hunting will not be permitted on the grounds. Security lights and kiosk is planned to be installed to help people navigate their way around and to prevent wandering on to surrounding private properties. The main entrance for the grounds will be moved farther to the West and a natural surrounding buffer would be created to help ensure privacy for neighboring lands. No long-term camping will be permitted with sites being limited to 1 week at a time. There are no plans to widen the road.

Motion made by Councilman, Thomas Carlson to close the public hearing at 7:58 PM.

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

Negative Declaration:

WHEREAS, Andrew Johnson d/b/a Chautauqua Gorge Campground, LLC, hereinafter called the “Applicant”, has submitted a special use application requesting permission construct a campground pursuant to Section 143-28(H)(9) of the Town of Chautauqua Zoning Code, on property located at 8054 Hannum Road, in the Residential-Agricultural (R-A) District, 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 Board has determined that the proposed use will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Parts I and II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Motion made by Councilman, Kenneth Burnett to adopt the resolution as presented.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Abstained due to personal interest

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Carried

Action of the Board:

WHEREAS, Andrew Johnson, d/b/a Chautauqua Gorge Campground, LLC, hereinafter called the “applicant”, has submitted a special use application requesting permission operate a campground pursuant to Section 143-28(H)(9) of the Town of Chautauqua Zoning Code, on property located at 8054 Hannum Road, in the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed use was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on May 19, 2020, 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 Chautauqua County Planning Department by letter dated June 3, 2020, in response to a zoning referral submitted pursuant to Section 239-m of the General Municipal Law, advised that the proposed action would have an inter-community impact and approved the project subject to certain conditions, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was issued after examination of the record and public hearing, 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 its May 19, 2020 hearing, and having heard those wishing to be heard at a public hearing held June 8, 2020, after publication of legal notice, and finds that the applicant will comply with all requirements of Section 143-28(H)(9) of the Zoning Code, and further finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application for a Special Use Permit to operate a campground at 8054 Hannum Road, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The applicant shall undertake the permitted use in accordance with the map and plans prepared, upon information and belief, by the applicant and submitted to the Town with the application, and to be bound by the terms of the application and the conditions of this permit, which are as follows:

a. The applicant shall prepare and submit to the Town's Code Enforcement Officer a Stormwater Pollution Prevention Plan (SWPPP) prior to issuance of any building permit related to the campground.

b. The applicant shall seek and obtain from the Chautauqua County Department of Health approval of any wastewater facilities serving the campground.

c. The applicant shall not allow hunting to be done by campers from the campground area.

2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

3. This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.

4. The applicant shall commence operation of the use within one year of the issuance of this Permit; if the use has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new Permit should it intend to continue the project.

5. Any failure or omission on the part of the applicant 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 applicant to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

6. This Special Use Permit shall become effective after the applicant approves each and every provision hereof and agrees to be bound by all of the terms of herein contained in consideration of the granting of this Special Use Permit.

Motion made by Supervisor, Donald Emhardt to adopt the resolution as presented.

Second: Councilman Thomas Carlson

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Abstained due to personal interest

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Carried

Special Use Permit- Storage Buildings on Meadows Road

To consider the application of Leroy Parker for a Special Use Permit allowing the construction and operation of a commercial storage facility at 1 Meadows Road, on a parcel designated as tax map parcel Section 264.00, Block 2, Lot 15.

Motion made by Councilman, Thomas Carlson to open the public hearing at 8:05PM.

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

Supervisor Emhardt reviewed the application. Soil and Water was consulted, ground has plenty of gravel to promote good drainage. There was an issue on the original application with the floodplain and road right of way which was resolved by the revised plans to shorten one of the buildings by 10-feet and moving everything back 4-feet. The floor was opened for comment. There was no one present speaking for or against the proposal and there were no further comments or questions by the board.

Motion made by Councilman, Thomas Carlson to close the public hearing at 8:09PM.

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

Negative Declaration:

WHEREAS, Leroy Parker, hereinafter called the “Applicant”, has submitted a special use application requesting permission construct and operate a commercial storage facility pursuant to Section 143-28(H)(19) of the Town of Chautauqua Zoning Code, on property located at 1 Meadows Road, in the Residential-Agricultural (R-A) District, 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 Board has determined that the proposed use will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Parts I and II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-

Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Motion made by Councilman, Dave Ward to adopt 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

Action of the Board:

WHEREAS, Leroy Parker, hereinafter called the “applicant”, has submitted a special use application requesting permission construct and operate a commercial storage facility pursuant to Section 143-28(H)(19) of the Town of Chautauqua Zoning Code, on property located at 1 Meadows Road, in the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed use was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on May 19, 2020, 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 Chautauqua County Planning Department by letter dated June 3, 2020, in response to a zoning referral submitted pursuant to Section 239-m of the General Municipal Law, advised that the proposed action was of local option, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was issued after examination of the record and public hearing, 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 its November May 19, 2020 hearing, and having heard those wishing to be heard at a public hearing held June 8, 2020, after publication of legal notice, and finds that the applicant will comply with all requirements of Section 143-28(H)(19) of the Zoning Code, and further finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application for a Special Use Permit to construct and operate a commercial storage facility at 1 Meadows Road, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The applicant shall undertake the permitted use in accordance with the map and plans prepared, upon information and belief, by the applicant and submitted to the Town with the application, and to be bound by the terms of the application and the conditions of this permit, which are as follows:

a. The applicant shall employ stormwater retention measures, including ditches, to limit and retain stormwater runoff from the facility into Dewittville Creek both during construction and afterwards. The applicant shall comply with all reasonable requests of the Town’s Code

Enforcement Officer with regard to the installation of hay bales and other measures designed to minimize the effect of surface water runoff during construction.

2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

3. This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.

4. The applicant shall commence operation of the use within one year of the issuance of this Permit; if the use has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new Permit should it intend to continue the project.

5. Any failure or omission on the part of the applicant 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 applicant to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

6. This Special Use Permit shall become effective after the applicant approves each and every provision hereof and agrees 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 adopt the resolution as presented.

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

Non-Agenda Items

Sales Tax

Supervisor Emhardt updated the board on County sales tax impact due to the Covid-19 shut-down. The county report shows distribution is 32.95% lower than last year's distribution and quarter to date revenues are now 31.57% less than last year. However, the Town is still ahead for the year by \$6,000 so the decrease will not have a large impact on the budget. We are still waiting to see if State aide and CHIPs funding will still come through. Highway Superintendent stated that they plan on oiling and chipping instead of blacktop until funds are released. The crossroads on Summerdale is the main concern followed by Dean, Haight and Burdick roads.

Shorelands

A call was received from Shorelands Association president regard the large hole in the road that was created during Sewer District 1 upgrade. It was patched today and the association will be notified.

Hannum Road Gorge

Councilman Dave Ward stated that he agreed with residents on Hannum Road in regard to the traffic leading into the gorge and parties. The Board discussed whether the Town has a legal right to close that section of the road leading into the gorge. This was reviewed a couple years back when the DEC requested it closed. The State permits camping in the area with a permit but doesn't monitor it on a regular basis. It was determined that the problem is the lack of monitoring and enforcement of current signage and rules already in place by the DEC. Closing the road would not stop people from going into the gorge but most likely would encourage cars to park alongside the road in front of private residences creating more of an issue. In addition, this would be a safety concern for emergency vehicles that may need access to the gorge.

Sewer District 1

Councilman Cummings stated that the pools for the Villas and Chautauqua Lake Estates is connected to the sewer in which the Town will be charged by North Chautauqua Lake Sewer District. Not only are there public restrooms at both, but the pools are being drained into the public sewer creating a large volume of wastewater to be treated. The Assessor's office has been notified to add the unit charge to their annual tax for infrastructure and they will need to be added to the quarterly for maintenance effective immediately.

Sewer Ordinance

Councilman Carlson asked about the status of the sewer use ordinance for the district. Attorney Seachrist stated that it could most likely be done with a simple law stating the Town adopts the rules and regulations of North Chautauqua Lake Sewer District since they are currently maintaining it.

Water District 2

Dewittville Fire Department has approved the Memorandum of Understanding(MOU) for the test well for water supply to Water District 2.

Town Constable

Councilman Cummings inquired about the legalities of Chautauqua Institution having 'Police' on their vehicles used by their employees appointed as Town Constables.

Attorney Seachrist stated that they are not Police, they are Town Constables. There's not a lot of information on the matter since they are not employed by the Town and the Town doesn't have a police department. They are simply appointed as officers of the Town to serve as Constables. Councilman Cummings requested that they be notified to remove 'Police' from their vehicles.

Motion made by Councilman, Thomas Carlson to approve the Supervisor's report for May.

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 #006, Voucher # 295-362

ABSTRACT # 006
DEPOSIT OF 05/01/2020 - 06/30/2020

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
A	GENERAL FUND - TOWNWIDE	25,084.74
B	GENERAL FUND - OUTSIDE VILLAGE	6,894.59
DA	HIGHWAY FUND - TOWNWIDE	26,777.29
DB	HIGHWAY FUND - OUTSIDE VILLAGE	12,245.91
H3-	SEWER & WATER EXPANSION	2,986.50
H4-	WATER DISTRICT 2	4,518.50
H5-	SEWER DISTRICT 1	6,958.00
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	288.33
SL2-	DEWITTVILLE LIGHTING DISTRICT	282.33
SL4-	BAYBERRY LANDING LIGHTING DIST	17.51
SS1-	CHAUT HEIGHTS SEWER DISTRICT	249.04
SW1-	CHAUT HEIGHTS WATER DISTRICT	6,618.66
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	995.95
Total:		93,917.35

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

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:40 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, Town Clerk
 Town of Chautauqua