

Mayville, NY

Regular Meeting

July 12, 2021

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Deputy Clerk, Jess Emhardt, Town Justice, Tim Hull and Town Attorney, Joel Seachrist

Others Present: Sign in sheet attached 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 for the regular meeting held June 8, 2020.

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

Public Comments: No public comment.

Departmental Reports:

Town Clerk report for the month of June was submitted and filed. Monthly fees remitted totaled \$4,177.66; Dog License sales of \$432.00; Conservation sales of \$475.00, Building/Zoning fees of \$1,946.50 and 5 Marriage licenses were issued.

Quarterly billing for Sewer Dist. 1 and Water Dist. 3 have been mailed. A records review was conducted by Sothern Tier West(STW) on 7/1/2021, records are on track for digital scanning and projects have been marked for grant funding to assist in the conversion from paper records. Further training in Laserfiche is scheduled later this month. Hunting sales will start August 2nd.

A Liquor license renewal notice was received on 7/6/21 by Hartfield Bay Café located at 6040 E. Lake Rd. Mayville, NY

Building Department reported that 21 building permits were issued in June with a total project value of \$663,806.00 and 43 Certificates of Completion were issued with a total project value of \$1,537,950.00.

Highway reported helping the Village of Mayville with their Spring clean-up. Started skim patching roads for Stone & Oil. Hauled millings in for Lawson Rd., installed cross pipes on Moore and Brodt Roads and mowed road sides.

Assessor's report was submitted and on file. Final Assessment roll for 2021 is complete and has been submitted to Chautauqua County and New York State Office of Real Property Tax Services.

Committee Reports:

Councilman Cummings reported that the handbook committee has made a few changes to the handbook which was emailed to the Board for their review. Changes are marked in red. Please take a moment to review and comment so a final draft can be presented at the August meeting. Town Court is currently open. No monthly report submitted.

Agenda:

Appointment- Dog Control Officer

A request was made by the Town Clerk to appoint the zoning clerk as a dog control officer to assist the primary DCO in the administration and ticketing of unlicensed dogs and dangerous dog proceedings as needed.

Motion made by Councilman Kenneth Burnett to appoint Elizabeth Steinbach as a dog control officer for the Town of Chautauqua.

Second: Councilman Thomas Carlson

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

Carried

Water District 2- Water Source Project

Mike Manning updated the Board on the water source project. Topographic survey field work was completed, and drawings will be provided by end of month. Hazardous materials investigation was completed at existing Water Treatment Plant and results were favorable. With the wetland assessment completed in June, a proposal for well location was sent to the Chautauqua County Health Department for approval. Due to space constraints, relief from the 200' offset requirement has been requested. For optimal well capacity and to ensure wells are within the sand-gravel deposit, it will be beneficial to stay as close to Dewittville Creek as possible. If wells were shifted further east or south towards the wetlands, there will be additional lengthy permitting requirements. Once County approves the well site location, the Town can start property acquisition activities in which the wells will be located. No other land acquisition or easements will be required since the project is planned to run along the roadway. Ramboll will review CFA requirements to identify best fit for any grant opportunity.

Order on Consent

Quarterly report is being prepared by Ramboll and will be submitted to the Environmental Protection Agency(EPA) by the end of the month.

Lease Renewal- Chautauqua Transportation Services

Current lease with Chautauqua Transportation Services has expired and the Tenant wishes to renew. The new three-year agreement starting August 1, 2021 will reflect a slight increase making the new annual rate \$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

Assessment- Assessor Agreement

The annual assessment agreement with the Town of Ellery expired on June 30, 2021. A renewal with no increase in fees, was submitted by the Town of Ellery and reviewed by the Board.

Motion made by Councilman Scott Cummings approving it as presented and authorizes the Town Supervisor to execute the agreement with Ellery for Assessment Services.

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

Support Letter- County Code Enforcement Feasibility Study

Chautauqua County is applying for the Department of State's Local Government Efficiency program and asked for the Town's support. The proposed project includes funding to develop a Code Enforcement and Efficiencies Feasibility Study that would further review and evaluate the provisions of code enforcement services at the Town and Village level in Chautauqua County and to identify opportunities to enforce codes more effectively and efficiently by sharing services.

Motion made by Councilman Scott Cummings to have the Supervisor send a letter in support of the County's grant application to the 2021 Local Government Efficiency Program.

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

DEC Letter- Proposed Legislation for Oil & Gas Emissions Testing

A letter was received from the Independent Oil and Gas Association of New York(IOGANY) alerting the Town to new legislation being proposed by New York State Department of Environmental Conservation(NYSDEC) for air emission regulations. These regulations will impact individual gas well owners in the State of New York creating a financial burden for unnecessary testing and reporting to the DEC. The cost of compliance with the proposed regulations exceeds the value of production from wells in the area. The studies used to determine estimated VOC emissions are based on wells located outside of New York State and do not reflect the true operating conditions of wells located in the Town of Chautauqua.

Motion made by Councilman Dave Ward to have the Supervisor send a letter to NYSDEC stating the Town is not in favor of the added requirements and feels the proposed legislation needs to be modified.

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

Support Letter- West Side Chautauqua Lake Sewer Extension, Phase II

The Chautauqua Lake & Watershed Management Alliance(CLWMA) is working with the County to submit a NYS Consolidated Funding Application(CFA) for the current round of grant funding opportunities. They are requesting the Town support of their efforts to seek construction funding to allow for the completion of the West Side Chautauqua Lake Sewer Extension from Stow to the Prendergast Fish Hatchery in the Town of Chautauqua.

Motion made by Councilman Scott Cummings to have the Supervisor send a letter supporting the County's efforts to apply for funding that will help provide a cleaner and healthier lake & watershed for the community by extending public sewers along the west side.

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

CLWMA- Annual Membership

The annual membership request was received by the Chautauqua Lake & Watershed Management Alliance. The Board discussed the benefits and grants awarded through CLWMA in which the Town was the primary beneficiary of \$466,255.00 and a shared beneficiary of \$22,630.00.

Motion made by Councilman Scott Cummings to continue the Town's membership and pay the annual membership fee of \$2,000.00 for Tier 2 membership

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

CLWMA- Grant Authorization for Swales Stabilization Project

Authorization to Apply for New York State Department of Environmental Conservation Water Quality Improvement Program Grant for the Town of Chautauqua Roadside Swales Stabilization Project

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it including the Town of Chautauqua, but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Town of Chautauqua (Town) and the Chautauqua Lake and Watershed Management Alliance (Alliance) are partnering to complete a roadside swales stabilization project within portions of the Town within the Chautauqua Lake Watershed that will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the 2021 Consolidated Funding Application includes New York State (NYS) Department of Environmental Conservation (DEC) Water Quality Improvement Program (WQIP) grant opportunities for water quality projects that require local matching funds as cash and/or in-kind service in the amount of at least 25% of the grant amount; and

WHEREAS, the total eligible project costs have been identified at \$342,985 resulting in planned WQIP requested funding of \$213,057, and planned local match in the form of in-kind service related to construction by Town forces of \$129,928; and

WHEREAS, the Town has resolved to perform work related to the construction of the swales improvement project using its Town Highway Department personnel and Town-owned

equipment, to fulfill the required local match, provided that outside grant funding can be secured to purchase materials and procure engineering and other necessary professional services needed to complete the project; therefore be it

RESOLVED, that the Town of Chautauqua authorizes a grant submission to the WQIP grant program for the Town of Chautauqua Roadside Swales Stabilization Project and if awarded, commits to providing in-kind construction services valued at approximately \$129,928, and if the grant is successful, that the Town Supervisor is authorized to execute the State Assistance Contract, submit project documentation, and act in all matters related to Project and state funding assistance.

Motion made by Councilman, Dave Ward to approve the Resolution 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

CLWMA- SEQRA for Swales Stabilization Project

SEQR Type II Action Determination by the Town of Chautauqua for the Town of Chautauqua Roadside Swales Stabilization Project

WHEREAS, as a condition of receiving funding through the New York State Department of Environmental Conservation (NYS DEC) Water Quality Improvement Project (WQIP) grant program, the Town of Chautauqua shall evaluate and declare its findings or determinations regarding the proposed Town of Chautauqua Roadside Swales Stabilization Project under the New York State Environmental Quality Review (SEQR) Act; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review (SEQR) Act provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; therefore, be it

RESOLVED that the Town Board of the Town of Chautauqua, in the County of Chautauqua, hereby determines that the proposed Town of Chautauqua Roadside Swales Stabilization Project, which constitutes the retrofit of existing roadside swales with green infrastructure and/or the stabilization of existing roadside swales via rehabilitation, replacement, or reconstruction on the same site, is a Type II action in accordance with 6 NYCRR Section 617.5(c)(2&3) and is therefore not subject to review under 6 NYCRR Part 617

Motion made by Councilman, Thomas Carlson 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

Solar Project Hartfield/Stockton Rd. - Continuation of Public Hearing

Supervisor Emhardt stated that the Town is still waiting for an executed contract from Omni Navitas agreeing to pay for the engineering review. The public hearing will be left open and continue at the next regular Town Board meeting in August.

Non-Agenda Items:

Sewer District 1 - Extension 1 North

Ramboll will submit a Consolidated Funding Application(CFA) to the Regional Economic Development Council for the Sewer District 1Extension 1 North (SD1E1N) project in Shorelands. No Board approval is needed at this time until a grant is awarded.

Supervisor’s report for June was presented and available to the Board for review.

Motion made by Councilman, Scott Cummings to approve the Supervisor’s report for June.

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 Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #007, Voucher #370-434

**ABSTRACT # 007
 DEPOSIT OF 06/01/2021 - 07/31/2021**

	Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 H4 H5 K SF2 SF4 SL1		
	A	GENERAL FUND - TOWNWIDE	28,981.49
	B	GENERAL FUND - OUTSIDE VILLAGE	1,526.22
	DA	HIGHWAY FUND - TOWNWIDE	5,407.15
	DB	HIGHWAY FUND - OUTSIDE VILLAGE	109,282.60
	H3-	SEWER & WATER EXPANSION	2,243.00
	H4-	WATER DISTRICT 2	12,624.93
	SL1-	PT CHAUTAUQUA LIGHT DISTRICT	295.50
	SL2-	DEWITTVILLE LIGHTING DISTRICT	291.37
	SL4-	BAYBERRY LANDING LIGHTING DIST	18.14
	SS1-	CHAUT HEIGHTS SEWER DISTRICT	24,088.53
	SW1-	CHAUT HEIGHTS WATER DISTRICT	6,352.27
	SW3-	CHAUTAUQUA SHORES WATER DISTRICT	28.51
		Total:	191,139.71

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 7:25 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

TOWN OF CHAUTAUQUA BOARD MEETING

JULY 12, 2021

(PLEASE PRINT)

NAME:

ADDRESS:

1. Karen Engstrom 5189 W. Lake Rd, Mayville
2. HENRY MALARKO, 5505 E Lake Rd, Jewettville
3. MIKE BARNES 48 E EUANS ST, MAYVILLE
4. Taylor West Chautauqua Lake & Whitehead Motor Alliance
5. MIRS MANUW ~~RE~~ MERRISZA, NY
6. Ryan Hill 3636 Davis RD
7. MARY PROCTOR FINDLEY LAKE, NY
8. Fairlee Fischer 13W Marina St Mayville
9. Doug Marshall 6301 Wright Rd, Jewettville
10. Greg Bacon Post-Journ. / observer
11. Tom Hill 4006 RT 33
12. Sandra Lee Wagner 7a Lakeview Ave.
13. Jeff Wagner " " "
14. _____
15. _____