

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

**Others Present:** Jeff and Sandy Wagner, Scott Bradish, Peter McCallaugh(Omni Navitas Solar Energy), Mike Barnes and Justin Johnson

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:**

Elmwood, Hartfield

Scott Bradish addressed the board on concerns with congestion of boats on Big Inlet Canal that are tied to the Town's right of way. The obstruction creates a hazard for other boats entering and exiting the canal. He has obtained 32 signatures from property owners in the area requesting resolve to this issue.

The Board stated that any obstruction in a navigable waterway should be reported to the Sherriff Department's navigation unit but will continue to monitor the situation and review any enforcement actions within the Town's jurisdiction. Supervisor Emhardt read a letter that was recently submitted by Hartfield Fire Department requesting this area to be designated as a fire lane since they use the canal for a water source. As per the Town of Chautauqua Code, parking is restricted in this area but there are currently no signs indicating this. Attorney, Joel Seachrist, will review regulations and current laws regard designating Elm Lane as a fire lane prior to the Town posting signs. No action is required by the Board at this.

**Departmental Reports:**

Town Clerk report for the month of June was submitted and filed. Monthly fees remitted totaled \$5,419.23; Dog License sales of \$576.00; Conservation sales of \$.00, Building/Zoning fees of \$2,146.10 and 4 Marriage licenses were issued.

Quarterly billing for Sewer Dist. 1 and Water Dist. 3 have been mailed. A new licensing system is being installed for the sale of sporting licenses. Hunting sales will start August 1<sup>st</sup>.

Building Department reported that 26 building permits were issued in June with a total project value of \$624,745.00 and 39 Certificates of Completion were issued with a total project value of \$1,425,345.00.

Highway reported ditching on Moore Rd and installed 2 culverts. Grater patching roads that will be stoned and oiled, mowed roadsides, hauled for the Village of Mayville for junk week and hauled bank run and screened gravel.

Assessor's report was submitted and on file. Final roll was filed July 1, 2020 with the County and State. A legal was posted in the Post-Journal in addition to a link to the final roll posted on the Town's website. All assessor reports required by the State of NY have been filed with the Office of Real Property Services in Albany. The 2020 Final Equalization Rate for the Town of Chautauqua is 92.8%

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- One more walk through is scheduled for the project and is ready to be closed out.

Human Resources- Councilman Cummings reported that the committee met to discuss interim guidance for employee travel during the Covid pandemic. The following addendum was drafted by the committee and copied to the Board for review.

Addendum to Town of Chautauqua Employee Handbook July 13, 2020

INTERIM GUIDANCE FOR COVID-19 PANDEMIC

Town of Chautauqua and its employees will be expected to take personal responsibility for complying with NYS DOH Guidelines for essential workers in the best interest of public health and safety.

Prior to vacations, each employee will create a plan with their Department Head for their work after they return regarding duties, pay, restricted workspaces, required PPE, and/or quarantine. The department head may refer to the HR committee for guidance.

Any employee that feels unsafe in their work environment may tell any department head or HR committee member and their concerns will be addressed.

Vacation carryover will be increased to up to 10 days during a pandemic year.

The Town of Chautauqua will make every effort to monitor and follow NYS DOH guidelines.

Violations or abuse of this or any Town Policy will be handled by the department head and HR Committee for disciplinary action as needed.

**Motion** made by Councilman Scott Cummings to adopt the addendum as presented and to have it distributed to all Town employees immediately.

**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:**

**Solar Energy- Omni Navitas**

Peter McCalaugh from Omni Navitas introduced himself and gave the Board an overview of his company. They are working with property owners, Mike and Bob Barnes, to install a 5 mega-watt solar farm on 28 acres located off of Hartfield-Stockton Rd. They also offer community solar in which residents would be able to subscribe to receive energy credits from the sites reducing their overall electric bill. They are scheduled to meet with the Zoning Board in August but will need the Board's consideration to act as lead agency for SEQRA if project is approved to move forward. A public hearing will be scheduled after review of the Zoning Board's plan review and recommendation to the Town Board.

**Water District 2- Resolution: SEQRA Lead Agency Designation**

On motion of Councilman, Scott Cummings, seconded by Councilman, Dave Ward, the following resolution was adopted by the Town Board of the Town of Chautauqua:

**Whereas**, the continued operation and maintenance of the existing water treatment system serving Water District 2 has created on-going challenges

**Whereas**, the Town of Chautauqua recently completed an evaluation of alternative water supplies for the District

**Whereas**, the recommended alternative consists of decommissioning the existing surface water supply and treatment system, which currently obtains source water from Chautauqua Lake, and develop a new groundwater supply system at an alternated location

**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.

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

**Carried**

**Water District 2- Engineering services for Administrative Order on Consent**

An amendment proposal was submitted by OBG, a Ramboll Company, for additional engineering services related to Water District No. 2 Water Supply project in response to an Administrative Order of Consent(AOC) issued by the Environmental Protection Agency(EPA).

A compliance plan and schedule were developed based on the Water District's Water System Evaluation completed in March 2019 where it was recommended to convert the current water supply from the Chautauqua lake to a groundwater source to bring it in to compliance with the Disinfection By-Products Rule(DBPR) and Maximum Contaminant Levels(MCLs).

Due to the conversion being a long-term endeavor, interim measures were proposed as part of the AOC response. Additional engineering services will include an AOC compliance plan, coagulant optimization evaluation and a distribution system flushing program increasing the current budget of \$49,550.00 to \$62,950.00.

**Motion** made by Councilman Kenneth Burnett to accept the proposal for additional engineering services not to exceed \$13,400.00 and authorizes the Supervisor to execute the agreement

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Aye

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Abstained due to employment by OBG

Councilman Kenneth Burnett – Aye

**Carried**

## **Water District 2- Bond Resolution Public Hearing**

One of the immediate items on the Administrative Order of Consent(AOC) is to initiate the bonding process for the Water District 2 Water Supply Project. The overall cost of the project will be determined upon completion of the engineering design and test wells. To adhere to the AOC schedule, the engineer has requested the Town Board to set a public hearing in preparation of the bond information which will be forthcoming. .

**Motion** made by Councilman Scott Cummings to schedule the public hearing for August 10, 2020 at 7:15PM contingent upon receipt of the bond information.

**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**

## **Sewer District 1 North Extension 1- Resolution: SEQRA Negative Declaration**

On motion of Councilman, Scott Cummings, seconded by Councilman, Kenneth Burnett, the following resolution was adopted by the Town Board of the Town of Chautauqua:

**WHEREAS**, the Town of Chautauqua is proposing to extend public sewers to serve an additional 90 homes within the Town of Chautauqua Sewer District No. 1, Extension 1 North (District SD-1-E1N)

**WHEREAS**, the proposed action 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 long Environmental Assessment Form and Coastal 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 action, and

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

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

**Carried**

### **Sewer Dist. 1- Access Road and Parking Lot**

Supervisor Emhardt met with Chautauqua Lake Estates Association in regard to the access road leading to the new pump station. The old dirt access road was removed, and the new access was paved during the project. The association is stating there is an issue with runoff from the new access road and would like the Town to tar and chip their parking lot like it was previously. Supervisor Emhardt stated the lot was previously dirt and rock in which the Board agreed. The run-off issue will improve once the grass comes in. The association was told they would have to produce proof of the lot previously being tarred and chipped prior to the Town moving forward. No action was taken at this time.

### **CLWMA- Annual Membership**

The annual membership request was received by the Chautauqua Lake & Watershed Management Alliance. The Board discussed the benefits and reviewed their past five years of operation.

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

**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**

### **Resolution- Assessor Agreement & Appointment**

On motion of Councilman, Thomas Carlson, seconded by Councilman, Scott Cummings, the following resolution was adopted by the Town Board of the Town of Chautauqua:

**WHEREAS**, the appointed assessor for the Town of Chautauqua retired on June 26, 2020

**WHEREAS**, the Town of Chautauqua has terminated the current assessment agreement with the Town of Busti on June 30, 2020 and is in need of a new assessor

**WHEREAS**, Anne Golley is a New York State Certified Municipal Assessor currently employed by the Town of Ellery as its assessor

**WHEREAS**, the Town of Chautauqua desires to retain Anne Golley to provide assessment services for the Town of Chautauqua through a shared services agreement with the Town of Ellery

**WHEREAS**, an annual agreement was submitted by the Town of Ellery to share assessment services with the Town of Chautauqua and the Town of North Harmony

**WHEREAS**, the Assessor of Ellery shall by resolution of the Town Board be designated as the Town of Chautauqua Assessor,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board appoints Anne Golley as the Assessor for the Town of Chautauqua to complete the current six-year assessment term ending September 30, 2025.

**BE IT FURTHER RESOLVED**, the Town Board authorizes the Supervisor to execute the shared service agreement with the Town of Ellery

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

**Carried**

### **Highway- Salt Shed**

A quote was received through Sourcewell co-operative purchasing for a Highway Salt Shed. Hybrid Building Solutions was the low bidder for a 72-foot wide by 100-foot long Calhoun Super Structure HT Series Building for \$297,495.82.

**Motion** made by Councilman Scott Cummings approving the purchase 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**

### **Local Law 2 of 2020-Set Public Hearing**

A Local Law opting out of tax exemptions provided by Real Property Tax Law 487 for Solar, Wind and Farm Waste Energy Systems was presented and reviewed by the Board.

**Motion** made by Councilman Scott Cummings to set a public hearing for Local Law 2 of 2020 on Monday, August 10, 2020 at 7:20PM

**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**

### **Non-Agenda Items**

#### Lake Clean-up program

Supervisor Emhardt reported on the progress of the lake clean-up program. Mobitracs have been working with on of the harvesters from Chautauqua Lake Association(CLA) for the past 2 weeks. 12.5tons of weeds were removed in the first week and 70 tons in the second week for a total of 82.5 tons of loose weeds removed from the North Basin. We are currently looking for a ¾ ton regular cab truck to haul the Mobitracs but have yet to find one.

#### Town Constables

Councilman Scott Cummings inquired about the use of ‘Police’ still being used by Chautauqua Institution security designated as Town Constables.

Supervisor Emhardt stated he received word from Joe Gerace that the Institution’s department received their FBI designation and they are currently working with the Sherriff’s office to recognize them as police agency.

Councilman Cummings stated that as of this past Friday, the Sherriff’s office has not been contacted regard this. They did, however, receive a letter from the Institution requesting to be put on the radio systems. The County is considering doing this but not until we comply with removing the police designation on their vehicles because it is illegal. The FBI designation may permit this but will have to be reviewed for legalities once a copy is forwarded to the Town. A copy will also be sent to the County to help facilitate getting them on the radio system.

**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 Dave Ward to approve the vouchers as presented to the board for payment. Abstract #007, Voucher #363-442

**Abstract # 007**  
**Summary by Fund**

<b>Code</b>	<b>Fund</b>	<b>Prepays</b>	<b>Unpays</b>	<b>Totals</b>
A	GENERAL FUND - TOWNWIDE	12,041.70	13,343.30	25,385.00
B	GENERAL FUND - OUTSIDE VILLAGE		2,257.28	2,257.28
DA	HIGHWAY FUND - TOWNWIDE		9,400.60	9,400.60
DB	HIGHWAY FUND - OUTSIDE VILLAGE		96,818.79	96,818.79
SL1-	PT CHAUTAUQUA LIGHTING DISTRICT		288.32	288.32
SL2-	DEWITTVILLE LIGHTING DISTRICT		282.19	282.19
SL4-	BAYBERRY LANDING LIGHTING DIST		17.44	17.44
SW1-	CHAUTAUQUA HEIGHTS WATER DISTR	602.39	8,234.32	8,836.71
SS1-	CHAUTAUQUA HEIGHTS SEWER DISTR	158.52	23,786.10	23,944.62
H3-	CAPITAL PROJECT- ENGINEER		22,604.26	22,604.26
H4-	CHAUTAUQUA SHORES		4,131.50	4,131.50
SW3-	WATER DISTRICT 3 CONTRTACTUAL	76.65		76.65
H5-	CAPITAL PROJECT SD1E1N		4,291.20	4,291.20
<b>Total:</b>		<b>12,879.26</b>	<b>185,455.30</b>	<b>198,334.56</b>

**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 8:31 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