

Mayville, NY

Regular Meeting

July 8, 2019

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: Sharon Smead, Jeff and Sandy Wagner, Taylor West(CLWMA), Mike Manning(OBG)

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 10, 2019.

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:

None

Departmental Reports:

Town Clerk report for the month of June was submitted and filed. Monthly fees remitted totaled \$4,085.36; Dog License sales of \$442.00; Conservation sales of \$283.00, Building/Zoning fees of \$2,687.50 and 4 Marriage licenses were issued.

Southern Tier West will be providing the Town of Chautauqua with a license for Laserfiche to convert all Town records to an electronic format. The Clerk's office will be attending a training on this July 23rd.

A special committee will be meeting at the County Tax Office to discuss a 3rd party vendor proposal for the printing and mailing of tax bills.

The clerk's office is working with the highway department on filing and transitioning to electronic data entry.

Building Department reported that 30 building permits were issued in June with a total project value of \$1,603,095.00 and 40 Certificates of Completion were issued with a total project value of \$1,683,996.50.

Highway reported that speed limit signs have been installed on Sea Lion Dr. and Mill Rd. as approved by NYS DOT. Roadsides have been mowed, ditched and installed 6' x 60' pipe on Wright Rd and Grader patching. Sold surplus items through Auction International: Garage Doors \$3,050.00, Batwing mower \$1,850.00 and welder for \$110.00 totaling \$5,010.00.

Assessor's report was submitted and on file. Final roll was filed July 1, 2019 with the County and State of NY and legal 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. RPS software has been updated and work has started on next year's assessment roll.

Monthly Town Court report for June was submitted and filed in the Clerk's office. Total of 71 cases were opened and 94 were closed. Total Fine Distribution for June was as follows:
State \$4,129.00, County \$1,302.00, Town \$2,756.00 totaling \$8,187.00.

Committee Reports:

Sewer- Only 300 ft of pipe left to install. Once all testing of the lines is completed, system will be up and running by the end of July/early August.

Lake Agency- the County Lake Agency is looking to put an additional tax on lakefront properties within 2 zones. Zone 1 would be all lakefront properties and Zone 2 would be all properties adjacent to lakefront properties. The plan is currently in the works and has yet to be presented to the legislators.

Agenda:

The Community Municipal Building's flagpole is broken and needs to be replaced. Supervisor Emhardt received two(2) quotes from Global Flags Unlimited and presented them to the board. One quote was for a fiberglass pole and the other was an aluminum pole. Both prices are below the procurement limit but the boards' input is requested.

Motion made by Councilman Scott Cumming to purchase a 30' fiberglass flag pole with internal haylard for an amount not to exceed \$2,524.20.

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 Hearing: Local Law 1 of 2019

Local Law 1 of 2019 permitting wedding or event facilities by special use permit in R-A and C-T Districts was presented to the Town Board at its June meeting in which a public hearing was set and advertised in the Post-Journal.

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

Supervisor Emhardt reviewed the proposed local law with the Town Board and opened the floor for comment in which there were none.

Motion made by Councilman Thomas Carlson to close the public hearing at 7:16PM.

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: Negative Declaration-Local Law 1 of 2019

WHEREAS, the Town of Chautauqua has proposed Local Law No. 1 of 2019, which would permit wedding or special event facilities in the Residential-Agricultural (R-A) and Commercial-Tourism (C-T) Districts by special use permit, and

WHEREAS, the proposed law 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

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 local law, and

WHEREAS, the Board has determined that the proposed law 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 Local Law No. 1 of 2019 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Motion made by Councilman, Scott Cummings to adopt the negative declaration 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

Resolution: Local Law 1 of 2019-Wedding and Event Facilities

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Chautauqua for a public hearing to be held by said Board on July 8, 2019 at the Chautauqua Municipal Building, 2 Academy Street, Mayville, to hear all interested parties on a proposed Local Law to permit wedding or special event facilities in the Residential-Agricultural (R-A) and Commercial-Tourism (C-T) Districts by special use permit, and

WHEREAS, notice of said public hearing was duly published in the *Jamestown Post-Journal* and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on July 8, 2019 at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Chautauqua County Planning Department by letter dated July 8, 2019, sent in response to a referral made pursuant to Section 239-m of the General Municipal Law, has advised that the proposed Local Law is of local option, and

WHEREAS, the Board has determined that the adoption of the local law is a Type I action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to adopt said Local Law,

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Chautauqua hereby adopts said Local Law as Local Law No. 1 of 2019, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Chautauqua, and to give due notice of the adoption of the Local Law to the Secretary of State

Motion made by Councilman, Kenneth Burnett to adopt Local Law 1 of 2019 as presented.

Second: Councilman Thomas Carlson

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

Carried

Resolution: Lake Clean-up Program

WHEREAS, there is a growing concern for the health and maintenance of Chautauqua Lake;

WHEREAS, to assist in shoreline cleanup, the Town has purchased a piece of lake maintenance equipment (“Mobotrac”) for the collection and removal of near-shore floating vegetation;

WHEREAS, the County of Chautauqua, through grant funds, has also purchased a Mobitrac machine and desires to enter into a 10-year license agreement with the Town of Chautauqua to use and operate said equipment;

WHEREAS, the Town Board believes it to be in the best interests of the Town and its residents to implement their own shoreline cleanup program operated by volunteers and temporary/seasonal help;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Chautauqua Board, does hereby authorize and direct the Supervisor of said Town to finalize and execute a license agreement with Chautauqua County for the operation, maintenance and storage of their Mobitrac and trailer;

BE IT FURTHER RESOLVED, that the Town Board establishes the Town of Chautauqua Lake Clean-up Program and authorizes the Town Supervisor to hire temporary/seasonal help at a rate of \$12/Hr. working no more than 20 hours/week.

Motion made by Councilman Thomas Carlson 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

Carried

Resolution: WQIP Grant Application-Sewer Extension

WHEREAS, in 2004, Chautauqua Lake was officially designed as an impaired water body by the NYSDEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the Town of Chautauqua, and other stakeholders worked collaboratively to develop the “Chautauqua Lake Integrated Sewage Management Plan” (CLISMP), which was completed in 2014; and

WHEREAS, a portion of the CLISMP recommendations include the upgrade, extension, and development of sewer infrastructure to replace existing septic systems on the northeast side of Chautauqua Lake; and
WHEREAS, this project extension of the sewer infrastructure to replace existing septic systems on the northeast side of Chautauqua Lake is the installation of grinder pump / pressure sewer collection to be conveyed to the North Chautauqua Lake Sewer District wastewater treatment plant; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is currently offering \$70 million in Water Quality Improvement Program (WQIP) grants for projects through the Consolidated Funding Application (CFA) with a grant application due date of July 26, 2019; therefore be it

RESOLVED, that the Town of Chautauqua Board of Directors hereby authorizes the submittal of a WQIP grant application to NYSDEC through the CFA for the extension of sewer infrastructure to replace existing septic systems on the northeast side of Chautauqua Lake, and requests the Town of Chautauqua Supervisor to apply for said WQIP grant as the Authorized Representative of the Town of Chautauqua.

Motion made by Councilman Kenneth Burnett to approve the resolution 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

Resolution: ESD Grant Application – Water District 2

WHEREAS, the Town of Chautauqua owns and operates the Chautauqua Water District No. 2 that was constructed in the late 1970’s and draws water from Chautauqua Lake; and

WHEREAS, Chautauqua Lake experiences substantial algal blooms in the summer which contribute to organics that become disinfection by-product precursors and may lead to clogging of the Water Treatment Plant filters if they are not removed during construction; and

WHEREAS, the Water Treatment Plant generally produces good quality effluent, the district has a history of difficulty in complying with turbidity and DBP requirements; and

WHEREAS, the Water Treatment Plant equipment and infrastructure is nearing the end of its useful life and should be scheduled for replacement in the near future; and

WHEREAS, the New York State Urban Development/Empire State Development is currently offering \$150 million in Empire State Development (ESD) grants for projects through the Consolidated Funding Application (CFA) with a grant application due date of July 26, 2019; therefore be it

RESOLVED, that the Town of Chautauqua Board of Directors hereby authorizes the submittal of an ESD grant application through the CFA for the improvements to the Water Treatment Plant and Chautauqua Water District No. 2, and requests the Town of Chautauqua Supervisor to apply for said ESD grant as the Authorized Representative of the Town of Chautauqua.

Motion made by Councilman Thomas Carlson to approve the resolution 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

Resolution: Town Highway Salt Shed Funding

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

WHEREAS, stormwater from the Town of Chautauqua (Town) and Village of Mayville (Village) flow directly into Chautauqua Lake, or into streams that flow into Chautauqua Lake; and

WHEREAS, the Chautauqua County Department of Planning and Community Development (PED), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Mayville, and the Town of Chautauqua have successfully partnered to procure previous state funding which has now delivered the Mayville-Chautauqua Stormwater Management Engineering Study Report (May 2019) which identifies stormwater projects located within the Village and Town that can now be pursued for implementation funding that will have a positive impact on the environmental health of Chautauqua Lake including this proposed salt/sand shed project; and

WHEREAS, the current salt shed facilities are at least 40 years old, do not meet water quality goals and do not house the majority of the salt and sand that is used during winter months and is directly adjacent to Mudd Creek; and

WHEREAS, New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, the primary partners undertaking efforts to fund and implement a new shared services salt/sand storage shed for total costs of approximately \$400k have been identified as the Town, the Village, and the Alliance, all of whom have committed to participate in supporting a CFA grant application which would cover the costs of a new salt/sand storage facility and in securing needed local match; and

WHEREAS, the Town plans to be the primary grant applicant and retain the services of a licensed professional engineer to undertake a capital improvement project for a new salt/sand shed; therefore be it

RESOLVED, that the Town of Chautauqua shall commit to being the primary grant applicant as well as providing up to \$50,000.00 of in-kind services and \$140,000 cash toward required local match.

Motion made by Councilman Thomas Carlson to approve the resolution 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

Resolution: Removal of Personal Property on Mill Rd.

WHEREAS, the Town Board of the Town of Chautauqua adopted a resolution on August 13, 2018, authorizing the acquisition from the County of Chautauqua of a parcel formerly owned by Jacques Wilcox located at 5996 Mill Road and identified on the County Tax Map as Section 246.13, Block 4, Lot 1; and

WHEREAS, on September 26, 2018, Chautauqua County Legislature adopted Resolution No. 223.18 to authorize the sale and conveyance of the said lot to the Town of Chautauqua; and

WHEREAS, the lot was conveyed to the Town of Chautauqua by a Quitclaim deed dated December 21, 2018, which was recorded January 2, 2019 in the Chautauqua County Clerk's Office as Instrument No. DE20190001014; and

WHEREAS, the Town sent a letter to Jacques Wilcox on March 27, 2019, notifying him of the acquisition and advising him that if the personal property stored on the lot was not removed by June 1, 2019, the Town would consider it to have been abandoned; and

WHEREAS, the personal property has not been removed from the lot as of July 8, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Chautauqua Town Board does hereby declare that all personal property remaining at 5996 Mill Road has been abandoned; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the removal and disposal of the said personal property by the Town Highway Department in a manner consistent with the best interests of the Town.

Motion made by Councilman Thomas Carlson 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

Carried

Resolution: CFA Grant Application for Athenaeum Hotel

WHEREAS, the Athenaeum Hotel serves as the primary source of accommodations for short-term visitors to the Chautauqua Institution, which serves over 100,000 visitors each summer and is a major economic driver in our region, yet the Hotel can operate only from mid-April through early November due to physical limitations; and

WHEREAS, the Town of Chautauqua intends to submit a New York State Consolidated Funding Application (CFA) through Empire State Development's Strategic Planning & Feasibility Studies Program to fund a study of the feasibility of converting and upgrading the Athenaeum Hotel into a year-round facility (the "Project"); and

WHEREAS, any costs incurred to complete the study beyond the amount of any grant received will be paid by the Chautauqua Institution;

WHEREAS, the Project would benefit residents of the Town of Chautauqua by creating new tourism and recreational opportunities within the Chautauqua Institution that will drive regional economic development; and

WHEREAS, the Town of Chautauqua will serve as the applicant and lead agency for the CFA;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized and directed to execute CFA Application Number 90079 as part of the 2019 CFA seeking \$100,000 for a planning study of upgrades to the Athenaeum Hotel, and be it further

RESOLVED, that the Supervisor is authorized to execute any and all agreements or documents required to complete the CFA and to be executed if such grant is awarded to the Town; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Motion made by Councilman Kenneth Burnett to approve the resolution 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

Non-Agenda Items

Due to revisions to the proposed Local Law 2 of 2019 changing Chautauqua Shores zoning district, the public hearing was not advertised so the modified law was presented to the Board.

Motion made by Councilman Thomas Carlson to set a public hearing for Local Law 2 of 2019 for Monday, August 12, 2019 at 7:15 and requests the Town Clerk to send notice to all residents within the affected zoning district.

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

Complaints have been received by the Town in regard to a dock placed off of Town property on Elwood Rd. Late parties are being held on this dock creating a disruption to area residents.

Permission was previously given to permit the use of the Town's property on Elmwood for access to a private dock in 2012.

Motion made by Councilman Thomas Carlson to rescind any permission previously given for this area for the safety and welfare of the community and requests the Town Attorney to send a letter to the current owner of the dock.

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, Kenneth Burnett to approve the Supervisor's report for June.

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 Scott Cummings approve the vouchers as presented to the board for payment. Abstract #007, Voucher # 405-485

ABSTRACT # 007
DEPOSIT OF 06/01/2019 - 07/31/2019

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4	
A	GENERAL FUND - TOWNWIDE	45,773.96
B	GENERAL FUND - OUTSIDE VILLAGE	1,008.79
DA	HIGHWAY FUND - TOWNWIDE	3,604.90
DB	HIGHWAY FUND - OUTSIDE VILLAGE	49,019.70
H3-	SEWER & WATER EXPANSION	537,985.58
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	285.43
SL2-	DEWITTVILLE LIGHTING DISTRICT	287.71
SL4-	BAYBERRY LANDING LIGHTING DIST	17.03
SS1-	CHAUT HEIGHTS SEWER DISTRICT	2,860.36
SW1-	CHAUT HEIGHTS WATER DISTRICT	49,003.52
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.53
Total:		689,868.51

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 7:57 P.M.

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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua