

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward, Thomas Carlson and Scott Cummings. Highway Superintendent Tim Wendell, Town Justice, Tim Hull, Town Attorney, Joel Seachrist, zoning chairman, Troy Smith, Zoning Clerk, Elizabeth Steinbach, Deputy Clerk, Jess Emhardt and Town Clerk, Rebecca Luba

Others Present: Chaut. County Legislator, Marty Proctor, Emmett Tenpas of Mayshark, Jeff and Sandy Wagner, Andy Johnson, Sandra Kilmartin, Tad and Tina Newell

Chautauqua Shores Residents: Richard Rippert, Charles & Wendy Heinz, Emily Glinick, Elizabeth Welch, Mark Foglesong, Merilee & Roger Hindman, Karen Somers, Dennis Beeson, Sherena Titus, Kevin McChesney, Carol Burkert, Sandie Nicholson, Mark Maier

Supervisor Donald Emhardt opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Motion made by Councilman, Kenneth Burnett to approve the minutes as presented to the board for July 8, 2019.

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

Departmental Reports:

Town clerk monthly fees remitted for July totaled \$6,248.54 dog sales were \$632.00 conservation sales \$710 with the commission of \$132.00, 8 marriage licenses were issued, building permit fees collected \$1,574.00.

School tax collection will begin September 3 and continue through November 7, 2019. We have obtained a license for electronic record management through laserfische. Our office will be entering all current year records and working backwards until all Town records are in digital format.

Code enforcement office reported 22 building permits were issued in July with project cost totaling \$283,256.17. 25 permits were closed with the total project cost of \$3,730,115.00

Highway department reported stoning and oiling 14 miles of road, mowing roadsides, ditching on Davis Rd & Mt. Pleasant Rd and installing of 4' x 60' pipe on Potter Rd. The new John Deere loader was delivered.

The Assessor's report was submitted and filed in the Clerk's office. NY state has assumed responsibility for the income verification and approval of the enhanced STAR program. Property owner had to submit an income verification form(IVP) to the office to be transmitted to the state. Quite a few property owners were downgraded to the basic STAR due to a system error at the state level. All IVP forms were resubmitted in which final role corrections were received from the state and entered in to our system. The State will contact all owners that were dropped from the enhanced STAR. The assessor's office will assist any property owner with problems once school tax bills are mailed but all STAR exemption questions will be directed to the State of NY.

Monthly Town Court report for July was submitted and filed in the Clerk's office. Total of 79 cases were opened and 93 were closed. Total Fine Distribution for July was as follows:
State \$3,820.00, County \$1,020.00, Town \$2,857.00 totaling \$7,697.00.

Public Comment:

Emit Tenpas of Mayshark Builders presented the Board with an update on plans for the McConnon non-PUD Development to be located at 4714-4736 Chautauqua-Stedman Rd. consisting of 54.98 acres and zoned Commercial Tourism and Residential- Agricultural. Mr. Tenpas then inquired on what the next steps were to be. Attorney Seachrist stated that a preliminary plat would need to be created and submitted to the Town Board after which a public hearing would be scheduled. Mr. Tenpas was referred to the County Clerk’s office to look at other plats that have been filed as a reference. In addition, plans must also be submitted to the County for their approval.

Agenda:

Public Hearing- Local Law 2 of 2019- Establishing Residential-Chautauqua Shores District

A Public Hearing was scheduled and advertised in the Post-Journal for Local Law 2 of 2019 changing the zoning district in Chautauqua Shores from Residential to Chautauqua Shores-Residential. The proposed law would incorporate the current deed restrictions of Chautauqua Shores in to the zoning code. All residents of the affected area were mailed copies of the proposed law and legal. Emailed correspondence was received by residents unable to attend and distributed to the board for review.

Motion made by Councilman Scott Cummings to open the public hearing at 7:15PM.

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

COMMENTS:

Supervisor Emhardt commented that he was not in favor of how this law is written and opened the floor to for public comment.

Various homeowners spoke in opposition to the law. Many felt the verbiage of one and a half story, when referencing building height, is too vague a description and therefore would be unenforceable creating large legal costs for the Town. Another concern was whether this would be considered spot zoning. Mr. McChesney and Ms. Somers stated the new setback requirements would create a very small footprint for a buildable lot creating a need for a second story. Roger Hindman, current president of the association, stated he was not in favor of the changes nor was he aware they were being considered. What he would like to see is a notice sent to all neighbors in Chautauqua Shores notifying them of any building permit applications submitted to the Town.

Mr. Beeson stated he was in favor of the law because the association’s deed restrictions make them unique but can’t be changed without a 100% vote from the owners. He felt it would be easier to define their deed restrictions if they were written in to the current zoning code.

Motion made by Councilman Thomas Carlson to close the public hearing at 7:35PM

Second by 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 vote no on Local Law 2 of 2019.

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

With the completion of the pump station and force main project in Sewer District 1 and the new ten-year agreement with North Chautauqua Lake Sewer District(NCLSD) a quarterly fee will be billed to the Town for treatment and disposal at a the same per-user rate in effect for current NCLSD customers. A public hearing is required for any change to the current rates and fee structure within a special district.

Motion made by Supervisor Donald Emhardt to set a public hearing for Monday, September 9, 2019 at 7:15 PM and requests a copy of the legal notice to be mailed to each residence within Sewer District 1.

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

Councilman Scott Cumming inquired about the status of revisions to the proposed sewer regulations law. Attorney Seachrist stated he could have the revised law ready in time for the next meeting if the Board wanted to set a public hearing.

Motion made by Councilman Scott Cummings to set a public hearing for a local law establishing rules and regulations for sewer districts for Monday, September 9, 2019 at the same time of 7:15PM as it will pertain to the same area residents.

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

Councilman Cummings requested to have all Town property surveyed. Supervisor Emhardt stated he would call the surveyor and get this scheduled.

A request from the Clerk's department was made for second deputy, Jessica Emhardt, to go full-time. With the implementation of electronic records and transferring all inactive records, the additional help will be necessary.

Motion made by Councilman Scott Cummings to permit full-time status with benefits effective August 26, 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

Highway Superintendent, Dan Thorsell has received an application for employment and requested the boards approval to hire above the current MEO new hire rate due to the advance qualifications of the applicant including a current CDL.

Motion made by Councilman Thomas Carlson to permit the highway superintendent to hire a new MEO at 85% of the current MEO rate based on the additional credentials.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye

Councilman Scott Cummings – Abstained

Councilman Dave Ward – Aye

Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye

Carried

Non-Agenda Items:

Supervisor Emhardt shared an email with the Board that was sent to Chautauqua Lake Association expressing an interest in renting equipment from them to assist in lake clean-up.

Richard Lippert asked the Board about the status of the dock on Elmwood Rd. stating there are still late-night parties being held and there is a concern of safety.

Councilman Carlson clarified that the board made a motion to rescind all permissions and to have a letter sent by the Town Attorney notifying them of the boards motion, but it didn't include the Town removing the dock.

Attorney Seachrist stated a letter did not go out since it wasn't clear as to who owned it. Though, after review of Town records, although permission was originally given in 2012, the Board made a motion in 2016 to not permit any private dock to be stored or installed on Town property or right-of-ways. So this would be a matter of trespassing.

Motion made by Councilman Scott Cummings to authorize the Town Highway department to remove any and all docks that may be on Town property.

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

Tad and Tina Newell presented the Board with information on the benefits of owning chickens and requested them to consider changing the current Residential-Lakeside Zoning District to include the raising of chickens.

Supervisor Emhardt presented the following budget transfers to the board.

Town of Chautauqua
Budget Transfers
June 30, 2019

<u>TO</u>		<u>AMOUNT</u>	<u>FROM</u>		<u>AMOUNT</u>
TRANSFERS TO BALANCE - A FUND					
A1620.2	Buildings - Equip	33,334.70	A1620.45	Data processing	4,777.50
A1620.4	Buildings - Contractual	4,495.78	A1620.46	Central storage	796.26
A1650.4	Central Comm Sys - contract	3,165.78	A9901.900	Interfund transfers	9,957.94
A1660.4	Central Storeroom - contract	46.26	A9905.7	Capital projects - buildings	25,000.00
A1680.4	Central Data Processing - cont	1,777.50			
A1910.4	Unallocated insurance	2,211.68			
			A2665	Sale of equipment	4,500.00
		<u>45,031.70</u>			<u>45,031.70</u>
TRANSFERS TO BALANCE - B FUND					
B3620.2	Safety inspection - equipment	143.90	B3620.4	Safety inspection - contractual	143.90
		<u>143.90</u>			<u>143.90</u>

Motion made by Councilman Dave Ward to approve the mid-term budget transfers 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

Motion made by Councilman Scott Cummings to approve the Supervisor’s report for July

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 approve the vouchers as presented to the board for payment.
 Abstract #008, Voucher # 486-548

ABSTRACT # 008
DEPOSIT OF 07/01/2019 - 08/31/2019

Code	Fund	Amount
Book: A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4		
A	GENERAL FUND - TOWNWIDE	48,215.70
B	GENERAL FUND - OUTSIDE VILLAGE	753.14
DA	HIGHWAY FUND - TOWNWIDE	25,872.05
DB	HIGHWAY FUND - OUTSIDE VILLAGE	79,291.74
H3-	SEWER & WATER EXPANSION	446,067.17
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	301.69
SL2-	DEWITTVILLE LIGHTING DISTRICT	309.08
SL4-	BAYBERRY LANDING LIGHTING DIST	17.84
SS1-	CHAUT HEIGHTS SEWER DISTRICT	2,987.66
SW1-	CHAUT HEIGHTS WATER DISTRICT	8,400.00
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
Total:		612,237.09

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 8:24 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