

Mayville, NY

Regular Meeting

September 9, 2019

Present: Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Dave Ward and Scott Cummings. Highway Superintendent Dan Thorsell, Town Justice, Town Attorney, Joel Seachrist, Justice, Tim Hull, Code/Zoning Clerk, Elizabeth Steinbach, Deputy Clerk, Jess Emhardt and Town Clerk, Rebecca Luba

Absent: Councilman, Thomas Carlson

Others Present: Marty Proctor, Joe Rollman, Hank Navarro, Richard Lippert, Mike Manning, Sharon Smead, Emmett Tenpas, John Carosa, Norm Green, Dane Fischer, Sandralee & Jeffrey Wagner.

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 August 12, 2019.

Second: Councilman Dave Ward

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

Carried

Departmental Reports:

Town clerk monthly fees remitted for August totaled \$7,822.22 dog license sales were \$786.00 conservation sales \$4,435.00 with the commission of \$218.02, building permit fees collected totaled \$1,690.00 and 9 marriage licenses were issued.

Code enforcement office reported 10 building permits were closed in August with project cost totaling \$111,400.00. 17 permits were issued with the total project cost of \$1,165,992.00

Highway department reported on mowing roadsides, 1.02 miles of black top on Mt. Pleasant Rd., Ditched and installed 100 ft of culvert on Parcel Rd and ditched Hewes Rd. and installed field driveway culvert.

Town court monthly report for August was submitted and filed in the clerk's office.

Committee Reports:

Sewer Extension: The new sewer line has been up and running for 10 days now. The old package plant has been demolished and the restoration of the area is being discussed with the engineers. Supervisor Emhardt stated that a WQIP grant application was submitted for the extension district which would significantly lower the costs for new users. If awarded, then the Town would be looking at 2021 for new users in the extension district to connect.

Building and Grounds: Councilman Cummings inquired about the status of the survey of Town property. Supervisor Emhardt stated he will be able to get this scheduled.

Public Comment:

Richard Lippert inquired about the status of the dock removal on Elmwood. Attorney Joel Seachrist is to send a letter to the owner of the dock advising him that the dock will no longer be permitted to be installed or stored on the Town's right of way. Mr. Lippert also informed the board that the navigational unit of the Sherriff's department may be of assistance in enforcing this.

Agenda:

RESOLUTION TO APPOINT TOWN ASSESSOR

WHEREAS, the appointed assessor terms expire September 30, 2019 in New York State.

WHEREAS, the Town of Chautauqua has entered into an agreement with the Town of Busti on a contractual basis for the provision of an assessor pursuant to Section 19-o of the General Municipal Law of the State of New York,

WHEREAS, the Assessor of Busti shall by resolution of the Town of Chautauqua be designated as Chautauqua's Assessor,

WHEREAS, the Town of Busti has re-appointed Kevin Okerlund to serve as the Assessor of Busti,

NOW, THEREFORE, BE IT RESOLVED, the Town Board re-appoints Kevin Okerlund as the Assessor for the Town of Chautauqua for a six year term beginning October 1, 2019 and ending September 30, 2025

Motion made by Councilman Scott Cummings to approve the resolution as submitted.

Second: Councilman Kenneth Burnett

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

Carried

Mandolin Ridge-Sub-Division

Emit Tenpas of Mayshark Builders addressed the Board with their plans for the proposed sub-division. They are still waiting for feasible concept letters for both water and sewer. A sewer connection assessment is required and may need a new pump station- lines are okay. They would also need the Town to act as lead agency for the SEQR process so they can proceed on the design phase. Mr., Tenpas then asked what their next step would be. Attorney Seachrist stated that a public hearing on the plan would be required.

Motion made by Councilman Scott Cummings to set a public hearing for October 15, 2019 at 7:15p.m. to review the Mandolin Ridge Sub-Division plat plan.

Second: Councilman Kenneth Burnett

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

Carried

Public Hearing- Sewer District 1 Quarterly Sewer Rates

A quarterly sewer charge of \$135.00 is being proposed for Sewer District 1 users. North Chautauqua Lake Sewer District will be managing the treatment for this District and charging the Town at the same rate of current NCLSD customers. The Town will then bill each resident quarterly to offset the burden of it being added to their annual tax bill. This fee will cover the treatment of sewage, not the infrastructure.

Infrastructure costs will be placed on the annual tax bill according to the debt service established after completion of the required upgrades.

Motion made by Councilman Dave Ward to open the public hearing at 7:15PM

Second by Councilman Kenneth Burnett

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

Carried

The floor was opened to public comments:

Norm Green, resident of the district, asked why the fee structure was changing.

Supervisor Emhardt stated that once the infrastructure is paid, this District will be transferred to the County in which this is the same fee structure they currently use. Dan Fisher asked for clarification on the changes and what the fees will be paying for. Councilman Cummings stated that while the NCLSD will be handling the maintenance and operation which is being proposed at a quarterly fee of \$135 per user, the infrastructure costs will still be billed annually on the property tax bill.

Motion made by Councilman Kenneth Burnett to close the public hearing at 7:27PM

Second by Councilman Dave Ward

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

Carried

Resolution:

WHEREAS, the North Chautauqua Lake Sewer District has contracted with the Town of Chautauqua for the maintenance and operation of Sewer District 1,

WHEREAS, the Town of Chautauqua will be charged per user by NCLSD at the same rate as their current customers on a quarterly billing cycle starting October 1, 2019,

WHEREAS, the Town of Chautauqua will bill the same rate to each user within the district for the maintenance and operation of the pump station and force main,

NOW, THEREFORE, BE IT RESOLVED, the Town Board sets a quarterly fee of \$135.00 per user in Sewer District 1.

Motion made by Councilman Dave Ward to approve the resolution

Second by Councilman Kenneth Burnett

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

Carried

A public hearing was set at the August meeting for a local law adopting sewer regulations but rescinded prior to being advertised due to more preparation and review being needed. Another hearing will be scheduled at a future date determined by the board.

Michael Manning from O'Brien and Gere(OBG), presented and discussed the preliminary engineering report for the upgrades to Water District 2. Raw water quality and aging facilities have created several challenges in consistently meeting drinking water regulations. Chautauqua Lake as experienced blue green algal blooms in the past years and protection of the water source is becoming a larger concern. As a result, the following alternatives were identified and evaluated:

Alternative 1- No Action

Alternative B1- Rehabilitate Existing Water Supply and Treatment System

Alternative B2- Rehabilitate Existing Water Supply and Treatment System using current treatment at alternative WTP location

Alternative C1- Abandon Existing Water Supply and Treatment System, develop groundwater wells at an alternative location(Dewittville)

Alternative C2- Abandon Existing Water Supply and Treatment System, connect to existing public water supply(Village of Mayville)

Mr. Manning reviewed the projected cost of each alternative. OBG's recommendation to the Town would be to pursue abandoning the existing water supply, treatment plant and intake converting to a groundwater source described in Alternative C1 for an approximate capital cost of \$1,686,750.00

A WIIA grant is available for this project through the Environmental Facilities Corporation.

Resolution: WIIA GRANT APPLICATION

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 Chautauqua Lake is the supply source for the Chautauqua Water District No. 2; and

WHEREAS, based on historical water quality data, the Lake's main water quality challenge is managing seasonal algal blooms which may contribute to taste and odor compounds, algal toxins, and/or DBP compounds in their distribution system; and

WHEREAS, the Town of Chautauqua is investigating a new water supply system to maintain current and future demands; and

WHEREAS, the Clean Water Infrastructure Act of 2017 provides \$2.5 billion for clean and drinking water infrastructure projects and water quality protection across New York, including an additional \$1 billion for the New York State Water Infrastructure Improvement Act of 2017 (WIIA) for the award of grants to assist municipalities in funding water quality infrastructure; and

WHEREAS, the New York State Environmental Facilities Corporation (NYSEFC) is currently offering \$350 million in WIIA grants for clean and drinking water projects with a grant application due date of September 13, 2019; therefore be it

RESOLVED, that the Town of Chautauqua Board of Directors hereby authorizes the submittal of a WIIA grant application to the NYSEFC for the Chautauqua Water District No. 2 Development of Alternative Water Supply investigation project, and requests the Town of Chautauqua Supervisor to apply for said WIIA grant as the Authorized Representative of the Town of Chautauqua.

Motion made by Councilman Scott Cummings to approve the resolution as presented.

Second: Councilman Kenneth Burnett

Vote: Supervisor Donald Emhardt – Aye
Councilman Scott Cummings – Aye
Councilman Dave Ward – Aye

Councilman Kenneth Burnett – Aye

Carried

A Special Use Permit application for a wedding event facility was submitted to the Code Enforcement office and is scheduled for review and recommendation by the Zoning Board on September 17, 2019. The Town Board will be required to act on the application in which a public hearing is required.

Motion made by Councilman Scott Cummings to set a public hearing for October 15, 2019 at 7:10 for the wedding event application for Special Use Permit submitted by CHQ Barns.

Second: Councilman Dave Ward

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

Carried

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

Second: Councilman Kenneth Burnett

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

Carried

Motion made by Councilman Dave Ward approve the vouchers as presented to the board for payment. Abstract #009, Voucher # 549-609

**ABSTRACT # 009
DEPOSIT OF 08/20/2019 - 09/23/2019**

Code	Fund	Amount
Book:	A B DA DB H1 H2 H3 K SF2 SF4 SL1 SL2 SL4	
A	GENERAL FUND - TOWNWIDE	231,507.98
B	GENERAL FUND - OUTSIDE VILLAGE	779.60
DA	HIGHWAY FUND - TOWNWIDE	3,554.57
DB	HIGHWAY FUND - OUTSIDE VILLAGE	303,618.02
H3-	SEWER & WATER EXPANSION	53,841.06
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	306.15
SL2-	DEWITTVILLE LIGHTING DISTRICT	289.59
SL4-	BAYBERRY LANDING LIGHTING DIST	18.02
SS1-	CHAUT HEIGHTS SEWER DISTRICT	2,760.30
SW1-	CHAUT HEIGHTS WATER DISTRICT	12,943.29
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	21.02
Total:		609,639.60

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

Paul Stage from Chautauqua Lake Association arrived at 8:01 asking the Board if he could speak with them regard their support for the CLA. Mr. Stage reviewed their activities for the Summer and asked the Board to reconsider their financial support. The Board responded to Mr. Stage with why the Town has been withholding their financial support and feels it is in the best interest of the Town and its residents to apply the money towards local efforts for lake clean-up until all the lake agencies can start working together.

Motion made by Councilman Scott Cummings to adjourn the regular meeting at 8:27P.M.

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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua