

Mayville, NY

Regular Meeting

May 9, 2016

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

Others Present: Residents Mollie Zoda and Libby Carlson, Sharon Smead, Village Trustee Emmett Tenpas of Mayshark Builders and John Goeddertz of AECOM.

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 to the board for April 11, 2016.

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

Public Comments:

No comments.

Departmental Reports:

Supervisor Emhardt reported that sales tax payment of \$368,418.12 was received which was \$12,000.00 higher than last year at this time.

Town Clerk, Rebecca Luba reported that for the month of April monthly fees remitted totaled \$12,691.78; Dog License sales of \$399.00; Conservation sales of \$200.00, Building/Zoning fees of \$1,575.00 and 5 Marriage licenses were issued.

Certificate of Satisfaction has been received from the County for the 2016 Town/County Tax collection. Reports and bank statements have been finalized and filed.

Liquor License notifications received from Chautauqua Point Golf Course on April 13, 2016, and The White Carrot Gardens, LLC on April 22, 2016 and filed in my office.

Rabies clinic that was sponsored by the Town on April 28th yielded 170 vaccinations, 129 Dogs(39 Town Chaut.) and 41 Cats(22 Town Chaut.).

Zoning Clerk, Elizabeth Steinbach reported that the Code/Zoning Office issued 15 building permits with project values of \$266,012.00 and issued 11 Certificates of Completion with project values of \$874,985.00.

Highway reported plowing for 5 days in April. Plow equipment has now been removed. Trimming trees and working on several culverts.

Assessor's report was submitted and on file.

The Board of Assessment Review hearings will be held on May 25, 2016 from 3pm-5pm and 6pm to 8pm. Tentative Tax Roll has been filed with the County and is available for review on the Town's website as well as in the office. Tentative assessed value has increased approximately \$4.7 million this year.

New York State has made some changes to the STAR exemption program.

All new applicants for Basic and Enhanced must apply directly to the State for the exemption which will now be administered through the STAR Check Program. A check will be issued in lieu of the exemption being deducted on the school tax bills. Eligible applicants that apply by July 1, 2016 will receive a check in September.

There is no change for applicants that were enrolled by March 1, 2015 and renewal applications for the enhanced STAR will still be handled through the local Assessor's office.

Committees:

Supervisor Emhardt and Councilman Carlson reported on the integrated Sewage Management Plan for Sewer District 1. Due to the expenses associated with upgrading the current system to meet the State DEC phosphorous requirements, it has been determined that a full plant replacement would be necessary. A more feasible plan would be to construct a wastewater pumping station in place of the current treatment plant and to pump the sewage to North Chautauqua Lake Sewer District. A design for the upgrade must be submitted to NYSDEC by August 31, 2016 to show compliance. A proposal for engineering services has been submitted by AECOM for this project and copied to the Board. In addition, O'Brien & Gere has submitted a proposal to assist with the applications of grants that are available.

Agenda:

Engineering Service Proposal by AECOM to design the pumping station and force main for Sewer District 1

Motion: made by Councilman Scott Cummings to accept the proposal submitted by AECOM dated May 6, 2016 not to exceed an estimated budget of \$330,000.00 and to authorize the Town Supervisor to sign all required documents related to the services as outlined in the proposal.

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

Engineering service proposal by O'Brien & Gere to assist with State and Federal grant applications for Sewer District 1 for the decommissioning of the existing treatment plant and construction of a new pumping station and force main.

Motion made by Councilman Thomas Carlson to accept the proposal submitted by O'Brien & Gere dated May 3, 2016 not to exceed an estimated fee of \$18,000.00 and to authorize the Town Supervisor to sign all required documents related to the services as outlined in the proposal.

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: by Councilman Dave Ward to open the public hearing at 7:15PM for Local Law 1 of 2016 Amending permitted uses within the Commercial-Tourism District.

Second: Councilman Scott Cummings

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

Carried

Supervisor Emhardt read aloud the final draft for Local Law 1 of 2016. No comments or objections were made by the public or of the Board regard the following:

**TOWN OF CHAUTAUQUA
LOCAL LAW NO. 1 FOR THE YEAR 2016**

AMENDING PERMITTED USES IN THE COMMERCIAL-TOURISM DISTRICT

Be it enacted by the Town of Board of the Town of Chautauqua, County of Chautauqua, and State of New York, as follows:

SECTION 1. NEW USES PERMITTED IN COMMERCIAL-TOURISM DISTRICT

Section 143-38(A)(1) of the Town of the Town of Chautauqua Zoning Code is hereby amended to add the following permitted principal uses:

- n. Business office, within a building or group of buildings, provided such use does not employ more than 15 people.
- o. Custom shops, including but not limited to printing, electricity, heating, plumbing or woodworking.
- p. Two-family Dwelling and Multiple-Family Dwelling, provided the number of dwelling units in any one building does not exceed four.

SECTION 2. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Motion by Councilman Thomas Carlson to close the public hearing at 7:17 P.M..

Second: Councilman Scott Cummings

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

Carried

Action of the Board:

WHEREAS, the Town of Chautauqua has proposed Local Law No. 1 of 2016, to add three permitted uses within the Commercial Tourism District in the Town of Chautauqua Zoning Code, 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 2016 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Motion: by Councilman Dave Ward to approve the Negative Declaration

Second: by Councilman Kenneth Burnett

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

Carried

Resolution:

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 May 9, 2016 at the Chautauqua Municipal Building, 2 Academy Street, Mayville, to hear all interested parties on a proposed Local Law amending permitted uses within the Commercial-Tourism District in the Town of Chautauqua Zoning Code, and

WHEREAS, notice of said public hearing was duly published in the *Jamestown Post-Journal* and posted in the Town Clerk's office on April 29, 2016, and

WHEREAS, said public hearing was duly held on May 9, 2016 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 May 3, 2016, 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, the Town Board of the Town of Chautauqua hereby adopts said Local Law as Local Law No. 1 of 2016, 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: by Councilman Thomas Carlson to adopt Local Law 1 of 2016, Amending Permitted Uses within the Commercial-Tourism District.

Second: by Councilman Scott Cummings

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

Carried

In accord with the Town's Zoning Law, Section 143-95, a letter of recommendation was submitted by Jeff Paddock, Zoning and Code Officer, in regard to an application submitted by Emmit Tenpas of Mayshark Builders. The applicant is looking to purchase property and move his construction business to 5073 W. Lake Rd. Mayville, NY 14757 utilizing the existing storage facility while creating office space and a woodshop with no change in the existing footprint. This property has had various uses in the past including an art gallery and studio, seasonal rental units, auction house and storage facility. Upon review of Section 143-97C, Exempted Uses, it was determined that the proposed land use activities outlined in the application are exempted from the requirements of a Formal Site Plan Review and the applicant meets all criteria in accord with the Town of Chautauqua, Zoning Code.

Motion made by Councilman Scott Cummings to accept the recommendation with no changes or modifications to the application submitted.

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

An offer of \$500.00(Five Hundred) was submitted by Eric Carlson to purchase property owned by the Town located at 6283 Stockton-Hartfield Rd. Mayville, NY and identified as County Tax Map Section 246.10, Block 1, Lot 10. The property was previously obtained by the Town to secure and remove an abandoned structure under the Unsafe Buildings Law. The structure was recently removed by the Hartfield Fire Department through a controlled burn. The lot is considered sub-standard according to the Town and County Zoning Law requirements and is considered a non-buildable lot.

Motion made by Councilman Thomas Carlson to accept the offer of \$500.00 as long as the purchaser assumes all closing costs. Councilman Carlson further moves to authorize the Town Supervisor to sign all required documents to finalize the sale of said property.

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

The Chautauqua Lake Watershed Management Alliance(CLWMA) will be holding their first Annual Member Meeting on May 12, 2016 at 4pm in which the 2016 Board of Directors will be voted on. The ballot form was copied to the Board and encouraged to attend.

Supervisor Emhardt followed up on the bid to install a metal roof on the water treatment station in Water District 2, Chautauqua Heights. A request was made for quotes on the cost to repair the existing roof and a cost comparison of metal versus shingles. We are still waiting for these quotes and will review at our next meeting.

Motion made by Councilman Thomas Carlson to approve the Supervisor's Report for April.

Second: 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 #005, Voucher # 262-327

ABSTRACT # 005
DEPOSIT OF 04/25/2016 - 05/16/2016

Code	Fund	Amount
Book: A B DA DB K SF2 SF4 SL1 SL2 SL4 SS1 SW1		
A	GENERAL FUND - TOWNWIDE	36,211.77
B	GENERAL FUND - OUTSIDE VILLAGE	9,296.12
DA	HIGHWAY FUND - TOWNWIDE	15,965.90
DB	HIGHWAY FUND - OUTSIDE VILLAGE	6,631.55
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	355.67
SL2-	DEWITTVILLE LIGHTING DISTRICT	421.05
SL4-	BAYBERRY LANDING LIGHTING DIST	31.84
SS1-	CHAUT HEIGHTS SEWER DISTRICT	3,665.57
SW1-	CHAUT HEIGHTS WATER DISTRICT	6,256.08
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	5,287.44
Total:		84,122.99
Total:		84,122.99

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 8:06 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