

VILLAGE OF MAYVILLE  
REGULAR BOARD MEETING  
5-14-19

Board Present - Mayor Shearer; Trustees: Jacobson, Harrington, Warner.  
Board absent - None, Trustee Webb did not participate in the meeting as a member of the Board. Because the Board was considering an application submitted by him and his family, he recused himself from the entire meeting and sat with the audience solely in his capacity as the applicant.

Others Present - John Crandall, Village Clerk; Jennifer Obert, Village Treasurer; John Buxton, Superintendent; Ed Cannon, Code Enforcement; Joe Calimeri, Village Attorney, additional members of the community sign in sheet is attached.

Meeting called to order at 7:03 p.m.

Pledge to the flag.

**RESOLUTION:** Resolved to approve the minutes of the Public Hearing/Organizational/Regular Meeting of the Board of Trustees of the Village of Mayville held on April 9, 2019, and Public Hearing May 7, 2019 with no additions or corrections.

Introduced by Trustee Jacobson.

Seconded by Trustee Warner.

Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

Privilege of the floor was offered.

Tom Carlson asked the Board why language was not included in the resolution for the Webb's Hotel Project addressing the metering concerns that were brought up by the Planning Board. It was explained that at this point there was no clear direction in any local law or ordinance that clearly states meter placement. It was stated that the intention was to address the concern officially prior to the point when meters would be put into the building.

Taylor West representing the Chautauqua Lake and Watershed Alliance introduced himself to the Board and attendees as a new member of the Alliance. Mr. West offered his services regarding the lakes health to anyone interested.

Brad Bentley representing Chautauqua County explained that a lot had been purchased by the county on Peacock Lane and that the plan was to expand the parking lot at the county and change the entrance to Peacock Lane.

Department of Public Works Report presented and attached.

Electric Department Report presented and attached.

Water Department Report presented and attached.

Building Inspector's Report presented and attached.

Clerk's Office Report presented and attached.

Fire Department Report presented and attached.

**RESOLUTION:** Resolved to award the bid for the purchase of one (1) Type III-RR Ultramedic 2019 Ford Gas Chassis Ambulance for the Mayville Fire Department at the cost of one hundred eighty-two thousand, nine hundred twenty-five dollars and zero cents (\$182,925.00) from North Eastern Rescue Vehicles Inc. 10 Dwight Park Dr., Syracuse, NY 13209 the only bid received copy of bid is attached.

Introduced by Trustee Warner.

Seconded by Trustee Jacobson.

Ayes - Trustees, Warner, Jacobson, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** WHEREAS, the Village of Mayville established a Fire & Rescue Equipment Capital Reserve Fund, and  
WHEREAS, the Village of Mayville Board of Trustees has approved the purchase of one Type III-RR Ultramedic 2019 Ford Gas Chassis Ambulance and  
WHEREAS, the cost of \$165,000.00 for the Ambulance has been budgeted, to be taken from the Fire & Rescue Equipment Capital Reserve Fund and the Mayville Fire Company will be paying the additional \$17,925.00 of the unbudgeted amount and  
NOW, THEREFORE, BE IT RESOLVED, to expend \$165,000.00, from the Fire Equipment Capital Reserve Fund for the purchase one Type III-RR Ultramedic 2019 Ford Gas Chassis Ambulance and  
BE IT FINALLY RESOLVED that this resolution is subject to permissive referendum.  
Introduced by Trustee Jacobson.  
Seconded by Trustee Warner.  
Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to award the fuel bid for FY-19/20 to TPS Supply Corp. 1820 Rt. 20 PO Box 287 Silver Creek, NY 14136 the lowest qualified bid received copies attached.  
Introduced by Trustee Harrington.  
Seconded by Trustee Jacobson.  
Ayes - Trustees, Harrington, Jacobson, Warner, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved that the Village Mayor is authorized to sign and forward a copy of agreement with CPL Architecture Engineering and Design Jamestown NY, to provide Code Compliance Review assistance for the Webb's Resort Project not exceed \$15,750.00 and Be it finally resolved that the fees shall be reimbursed to the Village by the project holder copy attached.  
Introduced by Trustee Warner.  
Seconded by Trustee Jacobson.  
Ayes - Trustees, Warner, Jacobson, Harrington, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved that the Village of Mayville Investment Policy adopted 11/18/97 and amended 7/6/15 shall be revised to reflect a maximum amount allowed in the Village of Mayville designated Depository, M&T Bank shall be raised to \$6,000,000.00, copy is attached.  
Introduced by Trustee Harrington.  
Seconded by Trustee Warner.  
Ayes - Trustees, Harrington, Warner, Jacobson, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to approve Mayville Water Project Change order #1 in the amount of \$11,772.50 to use HDPE pipe in certain sections of the project for The Village of Mayville Water Project #18520 copy is attached.  
Introduced by Trustee Jacobson.  
Seconded by Trustee Warner.  
Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to approve Mayville Water Project Change order #2 in the amount of \$44,142.00 to install a stone road to the potential new well site at the end of Maple Drive East for The Village of Mayville Water Project #18520 copy is attached.  
Introduced by Trustee Jacobson.  
Seconded by Trustee Warner.  
Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.  
Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to approve the Mayor to sign and forward a contract with Aqualogics Systems Inc. for a Professional Services Agreement in the amount not to exceed \$59,250.00 for The Village of Mayville Water Project #18520, invoice forthcoming subject to review by Village legal counsel.

Introduced by Trustee Jacobson.

Seconded by Trustee Warner.

Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to award Lock City Supply, Inc. Po Box 481, Lockport, NY 14095 bid for Water Meters at a cost of \$97,740.94 the lowest qualified bidder for the Village of Mayville Water Project #18520 bid tab is attached.

Introduced by Trustee Harrington.

Seconded by Trustee Warner.

Ayes - Trustees, Harrington, Warner, Jacobson, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to award Lock City Supply, Inc. Po Box 481, Lockport, NY 14095 bid for Water Meter Setters at a cost of \$16,800.00 the lowest qualified bidder and be it further resolved that Blair Supply Corp. had also submitted the identical bid amount but did not provide all the required paper work for the bid submittal for the Village of Mayville Water Project #18520 bid tab is attached.

Introduced by Trustee Harrington.

Seconded by Trustee Jacobson.

Ayes - Trustees, Harrington, Jacobson, Warner, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to award Lock City Supply, Inc. Po Box 481, Lockport, NY 14095 bid for Valves, Fittings, and Pipe Supplies at a cost of \$48,593.40 the lowest qualified bidder for the Village of Mayville Water Project #18520 bid tab is attached.

Introduced by Trustee Harrington.

Seconded by Trustee Jacobson.

Ayes - Trustees, Harrington, Jacobson, Warner, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to authorize the Mayor to enter into a standard concession agreement with Chautauqua Hospice and Palliative Care to hold a car show fund raiser at Mayville Lakeside Park on August 11, 2019 11:00am till 3:00pm.

Introduced by Trustee Warner.

Seconded by Trustee Jacobson.

Ayes - Trustees, Warner, Jacobson, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to authorize the Village of Mayville Fire Company to operate their Pan Game at the July 4<sup>th</sup> celebration at the Mayville Lakeside Park.

Introduced by Trustee Jacobson.

Seconded by Trustee Warner.

Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to authorize the Village of Mayville Fire Company to conduct fund raising activities in connection with the Mayville/Chautauqua Chamber of Commerce Concert in the Park series.

Introduced by Trustee Harrington.

Seconded by Trustee Warner.

Ayes - Trustees, Harrington, Warner, Jacobson, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to approve the following budget transfers

**Increase**

A0-8160.100 Refuse Collection, Salaries \$ 2,000.00

A0-8810.100 Cemetery, Salaries \$ 6,000.00

**Decrease**

A0-5142.100 Snow Removal, Salaries

\$ 8,000.00

Introduced by Trustee Harrington.

Seconded by Trustee Jacobson.

Ayes - Trustees, Harrington, Jacobson, Warner, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to increase the General Fund Revenue Account Ao-2650.300 (Sale of Surplus-Fire & Rescue) by \$6,802.50 and increase General Fund Appropriative account Ao-3410.400 (Fire & Ambulance, other Expenses) by \$6,802.50, this is due to the receipt of funds from items sold at auction.

Introduced by Trustee Harrington.

Seconded by Trustee Warner.

Ayes - Trustees, Harrington, Warner, Jacobson, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

**RESOLUTION:** Resolved to approve payment of bills for Abstract #12 as follows:

General Fund \$128,676.71

Water Fund \$142,973.67

Electric Fund \$198,962.85

Capital Water \$41,834.38

Be it further resolved that the following transfers to savings and checking are included in these totals.

	<b><u>Savings</u></b>	<b><u>Checking</u></b>
General Fund	\$20,000.00	
Water Fund	\$100,000.00	\$20,000.00
Electric Fund	\$60,000.00	

Introduced by Trustee Jacobson.

Seconded by Trustee Warner.

Ayes - Trustees, Jacobson, Warner, Harrington, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.

Trustee Webb who had recused himself from the meeting left the room prior to the vote of the next resolution.

**RESOLUTION: WHEREAS**, James and Sally Webb/Webb's Chautauqua Resort, LLC have submitted applications for a special use permit and site plan approval (the "Applications") for Webb's Waterfront Hotel, *i.e.*, a proposed fractional ownership condominium resort hotel with an attached restaurant (the "Project") on the parcels located at 74-78 Water Street in the Village of Mayville, New York, Tax Parcels 262.16-2-7, -8, and -9 (the "Site"); and

**WHEREAS**, pursuant to the Village of Mayville Code (the "Village Code"), the Site is located within the Lakeside Business Zoning District and Lakeside Business Overlay District, and the Project will include year-round activities such as lodging, food service, bar service, and retail sales; and

**WHEREAS**, the Village Code, the Village's Master Plan, and the Lake Water Revitalization Program of the County of Chautauqua which was adopted by the Village ("LWRP"), include and permit a hotel use for the Site; and

**WHEREAS**, the Village of Mayville Planning Board (the "Planning Board") previously determined that the Project is consistent LWRP policy conditions and standards set forth in the Waterfront Consistency Regulations, Village of Mayville Local Law No. 1 of 2009; and

**WHEREAS**, the County of Chautauqua Industrial Development Agency ("CCIDA") previously completed a coordinated environmental impact review of the Project as the as the Lead Agency pursuant to the State Environmental Quality Review Act, 6 NYCRR Part 617 *et seq.*, and issued a Negative Declaration after finding the proposed action would cause no significant adverse environmental impacts; and

**WHEREAS**, the Village of Mayville Zoning Board of Appeals ("ZBA") previously granted an application for certain area variances (including for setbacks, height, and minimum floor space per dwelling unit), for the Project and the Site which pertain to, and are consistent with, the Applications; and

**WHEREAS**, in accordance with New York General Municipal Law § 239-m, the Village of Mayville Village Board (the "Village Board") referred the Applications to the Chautauqua County Planning Board (the "CCPB"); and

**WHEREAS**, the Village Board also referred the Applications to the Planning Board, in accordance with the Village Code, for its review and recommendation; and

**WHEREAS**, on March 28, 2019, following a duly noticed public hearing, the Planning Board voted to recommend that the Village Board approve the Applications and submitted a letter, dated April 8, 2019, to the Village Board listing certain comments and recommendations for the Project;

**WHEREAS**, by letter dated April 9, 2019, the CCPB declared the Applications and the Project "would have no significant county-wide or inter-community impact and that the proposal would be a matter of local concern," and referred the Application back to the Village Board, with comments; and

**WHEREAS**, the Village Board has carefully reviewed the Applications for the Project, as well as the correspondence, comments, and any recommendations from the CCPB and the Planning Board;

**WHEREAS**, on May 7, 2019, the Village Board conducted a duly noticed public hearing regarding the Applications; and

**WHEREAS**, the Village Board has reviewed the criteria for Special Use Permits and Site Plan approval set forth in the Village Code;

**WHEREAS**, the Village Board has reviewed the other applications, determinations, and materials related to the other approvals referenced herein, and which are hereby incorporated by reference; and

**WHEREAS**, the applicant has worked in good faith to address questions and concerns regarding certain aspects of the Project and has, as a result, made several changes to it to address those concerns and to improve the Project's consistency with the community's character,

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Mayville as follows:

1. The Village Board does hereby approve the Applications for the Project, subject to the following conditions:

a. the applicant shall work in good faith with the New York State Department of Transportation to request a crosswalk for pedestrians crossing Water Street (Rt. 394) between the Site and its offsite parking area;

b. the applicant shall use protective fencing and/or screening at the Site to mitigate any visual impacts associated with outdoor utility and mechanical areas (within which any electronic transformer, air conditioning unit, and trash dumpsters are located);<sup>a</sup> as recommended by the Planning board, waives any setbacks related solely to this mitigation measure;

c. the applicant shall utilize landscaping or other reasonable measures at the Site to deter pedestrians approaching from the north from using the trash and delivery driveway as a short cut;

d. the applicant shall use low-decibel air conditioning units at the Site;

e. the applicant shall abide by all statutes, rules, and regulations with respect to any discovered environmental issues on the Site;

f. the Village Code Enforcement Officer shall confirm the adequacy of the Project's stormwater management controls during the demolition, construction, and post-construction phases of the Project, and in the time span between such phases;

g. the applicant shall submit to the Village a realistic snow and winter maintenance plan, including a snow storage scheme;

h. the applicant shall work in good faith with the Village Board to assist it in securing grants or other public funding to relocate National Grid transmission wires at the Site from above Water Street;

i. the applicant shall attempt to utilize, where reasonable, hearty native plant species as part of the project's landscaping design;

j. the applicant shall attempt to develop sustainable, realistic, and practical maintenance solutions for the Project with maximum consideration given to the environmental impact of runoff migrating into Chautauqua Lake;

k. the applicant shall work in good faith with the Village Board to negotiate an agreement to install permeable sidewalk surfacing between the Project Site and the Lakeside Park's pedestrian and biking path; and

l. the applicant shall utilize LED fixtures with shielding or other reasonable measures to reduce glare and minimize light pollution from the Site.

2. This resolution shall be effective immediately.

**PASSED AND ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF MAYVILLE** on the 14<sup>th</sup> day of May, 2019.

Roll Call Vote

Trustee Webb recused from vote and left the room.

Trustee Jacobson Aye.

Trustee Harrington Aye.

Trustee Warner Aye.

Mayor Shearer Aye.

Nays none, Trustee Webb recused from vote.

Devon Taylor detailed to those present the grant that he applied for on behalf of the Village and been awarded to purchase a Historical Marker to be placed in Lakeside Park regarding the Ice House History of the area. Devan explained that it was a very time consuming process to prove the historical aspects of the project.

Mayor Shearer announced that he had applied for a grant with the Community Foundation and had been awarded \$4,800.00 for picnic tables, trash cans. And bike racks to be placed in the park.

Privilege of the floor was offered.

Bill Ward spoke to the board regarding a prepared list of concerns of some of the local residents. Copies of the list were given to all members of the board and Village Clerk. The list was then read aloud by Tom Carlson. Copy of the list is attached.

Jerry Ruff expressed his concerns regarding the new auto read meters that were being installed in the Village and that they omit dangerous microwaves in the home. Mr. Ruff gave a website address of [takebackyourpower.net](http://takebackyourpower.net) that had more information on the subject.

Richard Syper asked if the board had thought of offering an option so that utility customers in the Village would be able to pay by credit card anytime in the future. It was stated that the board had considered it but didn't know if there would be enough people that would use it to offset the cost of the program. There were several comments from those in attendance that they would like to have the option to pay with their credit card.

Marty Proctor introduced himself to those in attendance as the newly appointed County Legislator.

**RESOLUTION:** Resolved to adjourn the regular meeting of the Board of Trustees of the Village of Mayville on Tuesday, May 14, 2019 at 8:20 P.M.

Introduced by Trustee Jacobson.

Seconded by Trustee Harrington.

Ayes - Trustees, Jacobson, Harrington, Warner, Mayor Shearer.

Nays - None Trustee Webb recused, not voting.