

**Present:** Supervisor Donald Emhardt, Councilmen, Kenneth Burnett, Leroy Parker, Thomas Carlson and Scott Cummings. Highway Superintendent, Terry Sanden, Deputy Clerk, Jess Emhardt, Code Officers, Frank Watson and Rick Walczak

**Absent:** Town Clerk, Rebecca Luba and Town Attorney, Joel Seachrist

**Others Present:** Karen Engstrom, Greg Bacon (Post-Journal), Sandra and Jeff Wagner, Mark Smith, Joan Hicks, Matt Zarbo (Square Engineering), Chris (Warren) Rammacher, Rebecca VanKeuren, Melissa Sanden, David & Linda Martin, Domenik Liberatore, Laura Marsala, Sharon Smead, John Ford, and Pierre Chagnon (Legislator).

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 for July 8, 2026

**Second:** Councilman Thomas Carlson

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Leroy Parker - Aye

**Carried**

#### **Public Comments- Non-Agenda Items:**

**Joan Hicks**, Town resident, addressed the board to express continued disappointment regarding the zoning board's approval of the variances allowing a Buffalo-area development company to develop the golf course property, noting opposition from neighboring residents and community members. The board acknowledged that it had stood behind the zoning board's decision.

**Chris (Warren) Rammacher** of 6110 Canada Road raised concerns about a travel trailer on the nearby Beaujean Road property, possibly used as a semi-permanent dwelling since August 2nd. The trailer has been occupied for nine consecutive nights by up to four people, including two children, contravening Town Code which caps trailer occupancy at 30 days per year in the Residential Agricultural district. Mr. Rammacher noted a lack of sanitation facilities, fire risks, water access issues, garbage disposal problems, and unclear property ownership among the Beaujean heirs. A code complaint was filed with Code Enforcement Officer Frank Watson.

Code Enforcement Officer Frank Watson reported contact with occupant Michelle Beaujean, who claimed to be cleaning the property. She previously removed a filled dumpster, indicating some good faith. Current violations include unsafe structures and debris, with the 30-day occupancy limit becoming enforceable upon violation. The board urged Mr. Ramaker to maintain contact with Watson and keep documenting occupancy.

**David Martin**, owner of multiple properties on Fisherman's Lane, addressed the board regarding the dilapidated property at 5982 Fisherman's Lane owned by Bruce Walters. He noted that tonight marked three years since the board passed a resolution to have the structures demolished and removed at the owner's expense. He described the ongoing deterioration of the structure, which is now supported by only three of its original

piers, and cited evidence of rodents, wildlife intrusion, falling trees encroaching on his property, and a complete absence of utilities. He requested the board enforce its resolution.

Officer Watson explained that the town has been pursuing a court route like the Beaujean Road case to obtain a ruling allowing cleanup costs to be attached to the property, rather than spending tax dollars without the certainty of recovery.

Following discussion, the board agreed that obtaining bids for cleanup would serve the dual purpose of moving the process forward and establishing cost estimates needed for the court proceeding. Officer Watson stated he will send a registered letter to property owner Bruce Walters notifying him that the town is moving forward on its resolution.

**Motion:** made by Councilman Thomas Carlson to advertise for bids to clean up the property at 5982 Fisherman's Lane

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Leroy Parker - Aye

**Carried**

**John Ford**, President of the Chautauqua Lake Association Board of Directors, briefly addressed the board to extend greetings, express appreciation for the town's ongoing support.

**Laura Marsala**, representing the Tree Board, reported that the board held its first meeting and is proposing educational seminars on topics including young tree training, proper mulching, and historic tree preservation. She noted that the board's work complies with the requirements of the town's tree ordinance and that the town is positioned to apply for Tree City USA designation in January, with a response expected in February. She also requested guidance on adding two new members to the Tree Board.

The board directed Ms. Marsala to submit the names of prospective members and relevant meeting minutes to the Town Clerk for formal appointment at a future meeting.

### **Departmental Reports:**

Town Clerk monthly Fees collected for July totaled \$35,162.08 and disbursed as follows:

Supervisor-\$33,927.87 A Fund: \$3,784.54 B Fund: \$240.00, SS1 Fund: \$27,551.12, SW3 Fund \$2,262.82, SW4 Fund \$89.39. NYS DEC license sales: \$1,079.71, NYS Animal Population Control program: \$42.00, Dept. of Health \$112.50.

5 Marriage licenses were issued, and 36 record requests completed. Dog license renewals are mailed for August, and the 2<sup>nd</sup> notices are sent for all expired licenses. Reminders mailed for all unpaid Sewer and Water bills. The office is currently working with the Assessor's office and County preparing for the 2026/27 School Tax Collection which will be collected in our office September 1st – November 6th.

To better accommodate the increased workload during tax collection season, the Clerk's Office will be adjusting its business hours. office hours will be:

Monday–Wednesday: Regular business hours

Thursday: Extended hours until 5:00 PM

Friday: Closed, except by appointment only

These adjustments will allow staff additional time for receipting, preparing reports, and keeping up with regular office business while processing tax payments.

Local Laws 3,4, and 5 are filed with the State & forwarded to general code to be added to online town code.

Hunting sales began on August 1<sup>st</sup>. All offices will be closed on Monday, September 7<sup>th</sup> in observance of Labor Day.

Code/Zoning: Code Enforcement Officer Frank Watson reported 22 permits issued, 25 closed out, 2 fire safety food truck inspections, 9 certificates of occupancy, and 16 certificates of compliance. A variance for a deck and fence was approved, with two upcoming cases for August involving a fence and a barn for boat storage. Officer Watson also noted that 199 Sea Lion Drive has been demolished and removed, closing the town's last associated case with the village following a court process.

A brief discussion arose regarding permit renewal procedures and fees. Officer Watson clarified that permit duration is project-dependent, and a \$75 renewal fee is standard whenever an extension is created, though minor discretion is applied for projects nearing completion.

Assessment: Assessor Anne Golley reported that the assessment roll had been submitted to school districts for calculating tax rates. A final copy of the Town's assessment roll has been forwarded to the County real property tax service.

Highway: reported that 10.5 miles of road were oiled and stoned with the county over four days. The department assisted North Harmony, Stockton, and the county on road oiling for six days. Work included hauling 600 tons of 2RC gravel and 140 tons of ice sand, ditching on Bloomer, Vaness, Lions, and Meadows Roads, blacktop work, guardrail trimming, tree cleanup from storms, a water district walkthrough, meter reading, three UFPO jobs totaling approximately 15 hours, and ditch and pipe work on Mount Pleasant Road. Councilman, Thomas Carlson noted that a 30 MPH speed limit sign, which had been on the list for approximately six months, had not yet been installed. Highway Superintendent, Terry Sanden acknowledged it and committed to prioritizing it, noting that school would be starting soon.

### **Committee Reports:**

Zoning Committee: Rick Walczak reported that a kickoff meeting was held with the planning consultant team. Code enforcement was asked to compile data on variances and special use permits. The next committee meeting is scheduled for September 22nd, at which point the committee expects to focus on residential agricultural zoning and agritourism provisions.

Water and Sewer Committee: Per Town Supervisor, Donald Emhardt, the north extension sewer project is wrapping up with final hookups underway. Water District 2 construction is progressing, though slower than desired. Work is also underway in Water District 5.

## **Agenda:**

### **NYSDOT Undertaking Agreement**

Town Supervisor Donald Emhardt discussed the renewal of the annual NYSDOT Undertaking Agreement, which had lapsed and required re-execution. The agreement establishes the town's commitment to work cooperatively with the State Department of Transportation as needed.

### **RESOLUTION AUTHORIZING THE TOWN HIGHWAY SUPERINTENDENT TO ACT AS THE TOWN'S AUTHORIZED REPRESENTATIVE FOR NEW YORK STATE DEPARTMENT OF TRANSPORTATION UNDERTAKINGS**

**WHEREAS**, the Town of Chautauqua periodically applies for, enters into, and administers agreements, permits, and other undertakings with the New York State Department of Transportation ("NYSDOT") related to highways, bridges, transportation infrastructure, and related projects; and

**WHEREAS**, the Town Board finds it to be in the best interests of the Town to designate the Town Highway Superintendent as the Town's authorized representative for such matters;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chautauqua, Chautauqua County, New York, hereby authorizes the Town Highway Superintendent to act as the Town's authorized representative for NYSDOT undertakings, including the execution of applications, agreements, certifications, reimbursement requests, permits, and other documents required by NYSDOT in connection with approved Town transportation, highway, bridge, and related infrastructure projects, subject to all applicable laws and any prior approvals required by the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Highway Superintendent is authorized to provide such additional information and documentation as may be reasonably required by NYSDOT in connection with such undertakings; and

**BE IT FURTHER RESOLVED**, that this authorization shall remain in effect until modified or rescinded by resolution of the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to provide a certified copy of this resolution to the New York State Department of Transportation and any other agency or entity requesting evidence of this authorization.

**Motion:** made by Councilman Thomas Carlson motioned to approve the NYSDOT Undertaking Agreement

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Leroy Parker - Aye

**Carried**

### **Beaujean Rd. Cleanup – Levy to tax property**

The board considered the resolution to levy the cost of the Beaujean Road cleanup to the property tax rolls in accordance with a court order. A brief discussion clarified that the levy constitutes a lien on the property, to be satisfied through the tax bill or at the time of sale or transfer. The cost was noted to be approximately \$6,700.

**RESOLUTION ASSESSING THE COST OF CLEANUP WORK AT 7127 BEAUJEAN ROAD  
AGAINST THE SUBJECT PARCEL AND DIRECTING THAT SUCH COST BE LEVIED AND  
COLLECTED AS A TAX LIEN**

**WHEREAS**, the Town of Chautauqua previously obtained a Court Order issued by the Hon. Grace M. Hanlon, Justice of the Supreme Court of the State of New York, County of Chautauqua, in the action identified as Index No. EK1-2024-1291, authorizing the cleanup of the property located at 7127 Beaujean Road in the Town of Chautauqua (the “Property”); and

**WHEREAS**, pursuant to said Court Order, the Town entered into a contract with Lang Enterprises for the performance of the required cleanup work at a contract price of Six Thousand One Hundred Two and 00/100 Dollars (\$6,102.00); and

**WHEREAS**, additional tipping fees in the amount of Seven Hundred Forty-Two and 08/100 Dollars (\$742.08) were incurred in connection with the disposal of materials removed from the Property, which fees were paid by the Town; and

**WHEREAS**, the total cost incurred by the Town for the cleanup of the Property is therefore Six Thousand Eight Hundred Forty-Four and 08/100 Dollars (\$6,844.08); and

**WHEREAS**, the Code Enforcement Officer has inspected the Property, closed out all related code violations, and has confirmed that the cleanup work has been satisfactorily completed; and

**WHEREAS**, it is in the best interest of the Town to assess the total cost of the cleanup against the Property and to collect the same as a tax lien in accordance with applicable law;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Chautauqua as follows:

1. The Town Board hereby finds and determines that the cleanup work performed at 7127 Beaujean Road was undertaken pursuant to a valid Court Order and that the total cost thereof, in the amount of \$6,844.08, is a proper charge against the Property.
2. The sum of Six Thousand Eight Hundred Forty-Four and 08/100 Dollars (\$6,844.08) is hereby assessed against the parcel of real property known as 7127 Beaujean Road, Town of Chautauqua, County of Chautauqua, State of New York and identified on the official tax map of Chautauqua County as Section 244.00, Block 2, Lot 16, and shall constitute a lien upon said parcel.
3. The Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution and a statement of the unpaid expenses to the Chautauqua County Director of Real Property Tax for placement on the next Town/County tax roll (the 2027 tax roll) as a re-levied charge, special assessment, or tax lien against the Property.
4. The Town Tax Collector is hereby authorized and directed to collect the said amount of \$6,844.08 upon receipt of the 2027 Tax Warrant, in the same manner, with the same interest and penalties, and at the same time as other Town and County taxes
5. The Supervisor, Town Clerk, Code Enforcement Officer, and Town Attorney are authorized to take any and all further actions necessary or appropriate to effectuate the terms of this Resolution, including coordination with the Chautauqua County Real Property Tax Service or other appropriate officials regarding placement of the lien on the tax roll.

**Motion:** made by Councilman Scott Cummings to approve the resolution levying the Beaujean Road cleanup costs to the property tax rolls

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

### **Water District 1 Extension-**

Matt Zarbo of Squared Engineering provided a comprehensive overview of the Water District 1 Extension project, which runs from the Sandalwood area down to Chautauqua Heights along the lakeside. The project was awarded a \$5,000,000 grant and 0% interest financing, with a total estimated project cost of approximately \$11,500,000 including contingency. He noted that the 0% financing over 30 years provides significant additional value comparable to an additional grant subsidy, bringing the effective public subsidy to approximately 60–70% of total project costs.

A discussion took place regarding the project scope, confirming that the Hartfield Bay area is not included in the current Water District 1 Extension. The area included runs from Route 430 to the lake, along with properties fronting Route 430. It was also noted that a separate funding application for Point Chautauqua, which is part of Water District 2, was submitted on July 31st.

Regarding water storage, Matt explained that a new storage tank is included in the project budget, as the existing tank was originally sized only for the Heights development. The location and configuration of the new well and storage will be determined during the design phase based on updated demand calculations.

#### **A. Engineering Agreement-** Engineering Agreement with Squared Engineering for the Construction Phase of Water District 1 Extension

**Motion:** made by Councilman Kenneth Burnett to approve the agreement with Squared Engineering

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

#### **B. Bond Resolution**

**A BOND RESOLUTION, DATED AUGUST 12, 2026, OF THE TOWN BOARD OF THE TOWN OF CHAUTAUQUA, CHAUTAUQUA COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF CHAUTAUQUA WATER DISTRICT NO. 1 EXTENSION IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$11,479,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN**

**AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,479,000 OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, the Town Board of the Town of Chautauqua, Chautauqua County, New York (the “Town”), pursuant to Article 12-A of the Town Law, created a water district extension designated and known as the Town of Chautauqua Water District No. 1 Extension (the “Extension”); and

**WHEREAS**, the Town Board has determined to undertake a water system capital improvements project (the “Project”) generally consisting of the construction of the infrastructure for the Extension; and

**WHEREAS**, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the Extension and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12-A of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project; and

**WHEREAS**, the Town Board desires to issue obligations of the Town to finance the costs of the Project; NOW, THEREFORE, be it

**RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

**SECTION 1.** The Town is hereby authorized to undertake a certain capital improvements project generally consisting of (but not limited to) the installation of a third high-lift pump, expansion of the existing treatment building, installation of a new groundwater well, installation of a treatment storage tank, installation of approximately 22,200 linear feet of water main, installation of approximately 4,000 linear feet of water service piping, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including original furnishings, equipment, machinery, apparatus, valves, hydrants, water services, appurtenances, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of said purpose is \$11,479,000.

**SECTION 2.** The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$11,479,000 said amount to be offset by the receipt of any federal, state, county and/or local funds received. Unless paid from other sources or charges, the costs for the establishment of the Extension will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension, which the Town Board shall determine to be especially benefited by said Extension, so much upon and from each as shall be in just proportion to the amount of benefit which the Extension shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

**SECTION 3.** It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6.** The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the Extension shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Extension which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

**SECTION 8.** The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

**SECTION 9.** This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 10.** The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 11.** The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 12.** The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate

any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

**SECTION 13.** The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

**SECTION 14.** To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “Project Financing Agreement”). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

**SECTION 15.** In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

**SECTION 16.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 17.** The Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

**SECTION 18.** This resolution is effective immediately.

**Motion:** made by Councilman Scott Cummings to approve the Bond Resolution for Water District 1 Extension in connection with EFC 0% interest financing

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

### **Water District 5 – CUD water source agreement (Addendum 2)**

The finalized Addendum 2 to the CUD Water Source Agreement for Water District 5 is pending, with the Chautauqua Utility District board set to review minor clerical revisions soon. Previously negotiated rates—

125% of the usage rate and 150% of the meter charge—are unchanged. The board will revisit this item for a vote at the September meeting.

### **Shared Service Request– North Harmony Code Enforcement**

The board considered a request from the Town of North Harmony to share the town's code enforcement services at a rate of \$37 per hour for approximately 10 to 12 hours per week, given North Harmony's current high volume of building activity and the town's relatively slower pace. The board expressed support for the arrangement. It was noted that a formal written agreement has not yet been drafted, and a board member emphasized the importance of having a written agreement in place before final approval.

**Motion:** made by Councilman Scott Cummings to move forward with the shared service arrangement for code enforcement with Town of North Harmony

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

### **Request for Speed Limit reduction- Chautauqua-Stedman Rd.**

The board discussed a request to reduce the speed limit on Chautauqua-Stedman Road. It was noted that the road is a county road, and the board's role is limited to sending a letter of support to the county requesting a reduction from the current 45 MPH limit. The board acknowledged a similar request had been submitted approximately six years prior with no response. The board nonetheless agreed to move forward with the letter.

### **A RESOLUTION REQUESTING A SPEED LIMIT REDUCTION TO 45 MPH ON CHAUTAUQUA-STEDMAN ROAD (COUNTY ROAD 33) IN THE TOWN OF CHAUTAUQUA**

**WHEREAS**, the Town Board of the Town of Chautauqua, New York, is committed to ensuring the safety, health, and welfare of all individuals utilizing public roadways within the Town; and

**WHEREAS**, Chautauqua-Stedman Road is a designated County Road under the jurisdiction of the Chautauqua County Department of Public Facilities for physical maintenance and traffic control devices; and

**WHEREAS**, this corridor passes through residential, agricultural, and commercial areas, serving as a frequent thoroughfare for motorists, commercial transport, slow-moving farm equipment, cyclists, and pedestrians; and

**WHEREAS**, the roadway experiences a substantial influx of traffic from seasonal tourists, significantly increasing the volume and diversity of road users during peak periods; and

**WHEREAS**, the severe safety hazards present on this roadway were tragically demonstrated on July 9, 2026, when a fatal motor vehicle accident involving a cyclist occurred on Chautauqua-Stedman Road, underscoring the immediate and critical need for proactive traffic calming and safety measures; and

**WHEREAS**, Section 1622 of the New York State Vehicle and Traffic Law authorize the New York State Department of Transportation (NYSDOT) to lower speed limits below 55 mph on county roads upon the joint request of the Town Board and County Superintendent of Highways;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chautauqua hereby requests that the Chautauqua County Department of Public Facilities and the NYSDOT conduct an expedited traffic engineering study to evaluate the current speed limit on Chautauqua-Stedman Road; and  
**BE IT FURTHER RESOLVED**, that the Town Board recommends reducing the speed limit to forty-five (45) miles per hour from its intersection with Route 394 to the Chautauqua Town Line to mitigate hazards, protect vulnerable road users, and enhance safety; and  
**BE IT FURTHER RESOLVED**, that the Town Clerk is authorized and directed to transmit certified copies of this resolution and NYSDOT Form TE-9 to the Chautauqua County Department of Public Facilities and the regional office of the NYSDOT to formally initiate the investigation.

**Motion:** made by Councilman Scott Cummings to send a letter of support requesting a speed limit reduction on Chautauqua-Stedman Road

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

### **Set Public Hearing – 2% Tax Override**

Supervisor Donald Emhardt explained that the town has never previously overridden the New York State 2% tax cap and stressed that this action does not commit the board to exceeding the cap—it merely preserves the option. He noted that under current cap calculations, the allowable increase amounts to less than \$11,000, which is insufficient to cover rising costs such as fuel. He also noted that the effective cap is closer to 1.02%, while COLA for the coming year is projected at 3.8%. Additionally, water district obligations count against the cap, creating further pressure.

### **A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER LOCAL LAW NO. 6 OF 2026 TO OVERRIDE THE TAX LEVY LIMIT**

**WHEREAS**, NYS General Municipal Law S 3-c authorizes the Town Board to override the property tax levy limit with a 60% vote; and

**WHEREAS**, the Board may need to adopt a budget exceeding this limit for necessary town operations; and

**WHEREAS**, a public hearing is required prior to adopting such a local law.

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing will be held at the Town of Chautauqua Meeting Room, 2 Academy St., Mayville, NY on September 9, 2026, at 7:15 PM to consider Local Law No. 6 of 2026, allowing for a tax levy increase above the 2% cap for the 2027 fiscal year; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to publish and post notice of this hearing at least five days prior to the hearing date.

**Motion:** made by Councilman Thomas Carlson to Set the public hearing for September 9, 2026, at 7:15pm

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Leroy Parker – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

## **Non-Agenda Items**

**Joan Hicks** requested that the board again consider lowering the speed limit near Crosby's, currently at 55 MPH. The Supervisor explained that a previous request to reduce the limit from Dewittville onwards had been rejected by the State.

**Motion:** made by Councilman Thomas Carlson to approve the Supervisor's Report for July 2026.

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Leroy Parker – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

**Motion:** made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment.  
Abstract #008, Voucher # 765-845

### **Abstract # 008**

#### **Deposit of 07/10/2026– 08/12/2026**

| <b>Code</b>   | <b>Fund</b>                                | <b>Amount</b>       |
|---------------|--------------------------------------------|---------------------|
| <b>A</b>      | <b>GENERAL FUND – TOWNWIDE</b>             | <b>71,889.20</b>    |
| <b>B</b>      | <b>GENERAL FUND – OUTSIDE VILLAGE</b>      | <b>1,286.96</b>     |
| <b>DA</b>     | <b>HIGHWAY FUND – TOWNWIDE</b>             | <b>56,960.64</b>    |
| <b>DB</b>     | <b>HIGHWAY FUND – OUTSIDE VILLAGE</b>      | <b>199,305.55</b>   |
| <b>H4</b>     | <b>WATER DISTRICT 2- SUPPLY/EXTENSION</b>  | <b>778,107.35</b>   |
| <b>H5</b>     | <b>SEWER DISTRICT 1 NORTH EXTENSION</b>    | <b>3,335.21</b>     |
| <b>H7</b>     | <b>WATER DISTRICT 5- DISTRICT CREATION</b> | <b>8,000.00</b>     |
| <b>SL1</b>    | <b>PT CHAUTAUQUA LIGHT DISTRICT</b>        | <b>381.46</b>       |
| <b>SL2</b>    | <b>DEWITTVILLE LIGHTING DISTRICT</b>       | <b>385.97</b>       |
| <b>SL4</b>    | <b>BAYBERRY LANDING LIGHTING DIST</b>      | <b>24.17</b>        |
| <b>SS1</b>    | <b>SEWER DISTRICT NO. 1</b>                | <b>2,147.92</b>     |
| <b>SW1</b>    | <b>WATER DISTRICT NO. 2</b>                | <b>16,749.63</b>    |
| <b>SW3</b>    | <b>WATER DISTRICT NO. 3</b>                | <b>455.66</b>       |
| <b>SW4</b>    | <b>WATER DISTRICT NO. 4</b>                | <b>388.30</b>       |
| <b>Total:</b> |                                            | <b>1,139,418.02</b> |

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Leroy Parker – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

**Motion:** made by Councilman Thomas Carlson to adjourn the regular meeting at 8:04 p.m.

**Second:** Councilman Leroy Parker

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Leroy Parker – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

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Jessica M. Emhardt  
Deputy Town Clerk  
Town of Chautauqua