

Mayville, NY

Regular Meeting

March 11, 2026

Present: Supervisor Donald Emhardt, Councilmen Thomas Carlson, Kenneth Burnett, Scott Cummings, and Leroy Parker. Highway Superintendent, Terry Sanden, Town Clerk, Rebecca Luba, Deputy Clerk, Jessica Emhardt, Code Enforcement Officers, Frank Watson and Rick Walczak, Town Attorney, Joel Seachrist

Absent:

Others Present:, Gregory Bacon(Post-Journal), Marty Proctor(County Legislator), Karen Engstrom, Sharon Smead, Melissa Sanden, Laura Marsala, Mark Smith, Dan & Joan Hicks

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

Motion made by Councilman, Scott Cummings to accept the minutes of February 11, 2026.

Second: Councilman Leroy Parker

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

Carried

Department Reports:

Town Clerk's monthly report was submitted and filed. Collections for February totaled \$4,488.37 and disbursed as follows: Supervisor-\$4,315.25 including the following funds:

A Fund, \$1,252.97, B Fund: \$0.00, SS1 Fund: \$2,855.29, SW3 Fund: \$206.99.

NYS DEC license sales: \$23.62, NYS Animal Population Control program: \$127.00, NYS Department of Health \$22.50.

Audit of Clerk and Tax Collector financials were performed and approved by committee 2/5/25.

Tax Collector: Total collections to date: \$12,061,461.77 with \$1,820,013.63 outstanding.

The 1% penalty period concluded 2/28/26. Tax collection will continue through April 1st with 2% penalty added. Second notices for all unpaid taxes were mailed March 3, 2026.

Disbursements have been made to the Town of Chautauqua and Chautauqua County Tax & Finance according to the Tax Warrant. Water connection notices were sent to residents along the new water line for Water District 2. Residents have until March 31st to express their intentions to connect, which will waive the initial \$2,000 connection fee.

Assessor's report was submitted and on file in the Clerk's office. The office is continuing work on the valuation for new construction and demolition projects. All properties will be valued for the May release of the new assessments. Legal notice published March 5th and 9th, 2026 for the assessment inventory as required by NY State Real Property Tax Law.

Grievance Day is scheduled for May 27, 2026, by appointment.

Code/Zoning report submitted and filed. 7 Permits were issued with a project total of \$202,138.00

8 Permits were closed totaling \$183,400.00 in project value. No violations noted for February.

One ZBA case was approved for setbacks involving multiple buildings, and one case was canceled

No ZBA meetings are scheduled for this month. The office will be submitting the RFP for cleanup on Beaujean Rd. with the assistance of the Town attorney. Advertisement is projected to be published by the end of the month in the local newspaper and NYS Contract Reporter.

Terry Sanden, Highway Superintendent, reported the department plowed and sanded 12 days in February. During non-plowing periods, they painted the shop ceiling, pushed banks back in wind spots around town, hauled 940 tons of sand from the climber, performed truck maintenance, and built new lockers in the locker room.

Sanden informed the board of his intention to hire Jared Gleason to fill an open position at \$25.52 per hour in accordance with the adopted salary schedule. Gleason is currently a village employee with Class A and Class B water operator licenses. Board members expressed approval of the hire, noting his qualifications would be beneficial to the Town and water districts.

Committee Reports:

Water and Sewer

Water and sewer extension work is nearly finished and will soon be added to tax rolls, with sewer service starting at the end of the month and water by the end of the year.

The town has two certified water operators, Seth and Rob Hetrick, who can manage water treatment facilities. The committee met with them and the Town Clerk to discuss future requirements for resident hookups, materials, inspections, and tracking costs across water districts. Discussions also highlighted the need to separate water department responsibilities from highway duties due to multiple water districts being established.

Code and Zoning

An RFP for code and zoning updates is currently active, with four potential vendors showing interest. Responses are expected by next week.

Building and Grounds

Renovations on the third wing are advancing well, with materials for windows ordered, drywall installation underway, plumbing for new bathrooms being completed, and electrical rough-in finalized. The last heating unit was installed over B Wing.

Comprehensive Plan

Sharon Smead presented the formation of an implementation committee to advance the comprehensive plan. Ten former steering committee members agreed to continue: Pat Appelbe, Tom Carlson, Scott Cummings, Sorena Gilkinson, Tim Hall, Julie Lescynski, Brian Pender, Mary Schiller, Sharon Smead, and Mark Smith. The committee will meet quarterly to provide advisory support to both town and village boards.

Motion made by Councilman, Scott Cummings to recognize and establish the implementation committee and its members as presented.

Second: Councilman Kenneth Burnett

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

Carried

Public Comment(Non-Agenda Items):

Karen Engstrom raised concerns about herbicide proliferation around Chautauqua Lake and potential impacts on drinking water. She referenced the Jefferson study showing water movement from the South Basin to the North Basin and questioned whether the town's water source protection plan could address neighboring communities' herbicide use.

Supervisor Emhardt confirmed that Chautauqua is currently the only town with a water source protection plan, though North Harmony expressed interest while Ellery was less receptive. He noted that Chautauqua Institution is also part of the drinking water source protection plan.

Agenda Items:

Assessment– Board of Assessment Review Appointment

A recommendation was received from the Assessor's office to reappoint Jim Warner to the Board of Assessment Review for a 5-year term.

Motion: made by Councilman Al Akin approving the reappointment.

Second: Councilman Scott Cummings

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

Carried

Surplus Inventory– Code Enforcement Office

Code Enforcement Officer Watson presented a list of 14 obsolete items from the code office for surplus declaration, including items like a handheld yellow flashlight with dead batteries, a Polaroid camera, and various outdated materials that should have been disposed of years earlier. The Board also noted all the items listed fall well below the asset threshold of \$1,000.

Motion: made by Councilman Scott Cummings deeming the items on the list as surplus authorizing the Mr. Watson to dispose of the items in the best interest of the Town.

Second: Councilman Thomas Carlson

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

Carried

Tree Law– Presentation of Local Law 2 of 2026

Local Law 2 of 2026, which establishes regulations governing trees on Town property and rights-of-way, was drafted by the Town's attorney. The draft was presented to the Board for their examination and consideration, necessitating a public hearing prior to adoption.

Motion: made by Councilman Thomas Carlson to set the public hearing for April 8th at 7:15 PM

Second: Councilman Kenneth Burnett

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

Carried

Water District 5– Final Order Establishing District

IN THE MATTER OF THE ESTABLISHMENT OF THE TOWN OF CHAUTAUQUA
WATER DISTRICT NO. 5, IN THE TOWN OF CHAUTAUQUA, IN THE COUNTY OF
CHAUTAUQUA, NEW YORK, PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

FINAL ORDER ESTABLISHING TOWN OF CHAUTAUQUA WATER DISTRICT NO. 5

March 11, 2026

WHEREAS, the Town Board of the Town of Chautauqua (herein called “Town Board” and “Town,” respectively), in the County of Chautauqua, New York, has, pursuant to Town Law Article 12-A, caused Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report, dated February 2024 for the establishment of the Town of Chautauqua Water District No. 5 in the Town (the “District”); and

WHEREAS, such map, plan and report was filed on February 26, 2024 at the office of the Town Clerk, and was available for public inspection at said location; and

WHEREAS, the Town Board has previously adopted various orders and resolutions in February and March, 2024 in furtherance of the Project (collectively, the “Prior Resolutions”); and

WHEREAS, an application for the establishment of Water District No. 5 was submitted to the office of the State Comptroller; and

WHEREAS, during the period of the Comptroller’s review, the Town negotiated a lower water purchase rate with the Chautauqua Utility District, reducing the estimated cost to the typical one or two-family home and putting the project below the threshold for approval by the State Comptroller; and

WHEREAS, Square Engineering prepared an addendum to such map, plan and report dated November 2025; and

WHEREAS, the Town Board decided it was in the best interest of the citizens of the Town to adopt a new Order Calling for Public Hearing on December 10, 2025 to reflect the revised cost to the District; and

WHEREAS, the Town Board adopted a new Order Calling Public Hearing on January 14, 2026 to correct a technical error regarding publication of such Order; and

WHEREAS, the project will generally consist of (but not be limited to) the installation of approximately 28,000 linear feet of water main along various roads in the Town 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 "Project"); and

WHEREAS, the estimated maximum amount proposed to be expended for the Project is estimated to be \$9,312,000; and

WHEREAS, pursuant to the Order duly adopted on January 14, 2026, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of the Project in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's office and is available for public inspection and specifying January 27, 2026, at 5:00 o'clock p.m. (Prevailing Time) or shortly thereafter, as the time when the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted on January 27, 2026, determined that:

- a) the notice of public hearing was published and posted as required by law and was otherwise sufficient;
- b) all the property and property owners, within the proposed District are benefited thereby;
- c) all the property and property owners benefited were included within the limits of the proposed District, and
- d) the proposed District benefits the public interest; and

WHEREAS, the Town Board adopted a Resolution Creating the District Subject to Permissive Referendum on January 27, 2026; and

WHEREAS, said resolution adopted on January 27, 2026, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within 30 days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, permission of the State Comptroller is not required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town has filed a certified copy of the Order with the State Comptroller as required by Town Law;

WHEREAS, the Town has previously undertaken an Article 12-A proceeding to create this District in 2024. However, the cost to the typical property was reduced while the project was under review by the Office of the State Comptroller. As a result, the Town has opted to commence a new Article 12-A proceeding to reflect the most recent District cost.

NOW, THEREFORE, BE IT ORDERED, that the establishment of the district is hereby approved and will be known as the Town of Chautauqua Water District No. 5, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

Tax Parcel information is based on Chautauqua County Parcel Viewer GIS data from July 2023.

Commencing at the point of beginning, said point being the southwestern corner of Parcel 279.00-2-40; thence proceeding easterly along the southern boundary of Parcel 279.00-2-40 to the southeastern corner of Parcel 279.00-2-40; thence proceeding southwesterly along the western boundary of Parcel 279.00-2-41 to the southwestern corner of Parcel 279.00-2-41; thence proceeding easterly along the southern boundary of Parcels 279.00-2-41 and 279.00-2-43 to the southeastern corner of Parcel 279.00-2-43; thence proceeding perpendicularly across the highway boundary of Potter Road to the southwestern corner of Parcel 279.00-2-46; thence proceeding easterly along the southern boundary of Parcels 279.00-2-46 and 279.00-2-45 to the northwestern corner of Parcel 279.20-1-2; thence proceeding southerly along the western boundary of Parcel 279.20-1-2 to the southeastern corner of Parcel 279.20-1-28; thence proceeding westerly along the northern boundary of Parcel 279.20-1-2 to the northwestern corner of Parcel 279.20-1-2; thence proceeding southerly along the western boundary of Parcels 279.20-1-2, 297.20-1-3.1, and 297.00-1-1.2 to the southwestern corner of Parcel 279.00-1-1.2; thence proceeding northeasterly along the southern boundary of Parcels 279.00-1-1.2 and 297.00-1-2 to the southeastern corner of Parcel 279.00-1-2; thence proceeding northwesterly along the western highway boundary of State Route 394 to the northeastern corner of Parcel 279.20-1-3.2; thence proceeding perpendicularly across the highway boundary of State Route 394 to the southwestern corner of Parcel 280.17-1-46; thence proceeding easterly along the southern boundary of Parcels 280.17-1-46, 280.17-1-45, 280.17-1-44, 280.17-54.1, 280.17-1-23, and 280.17-2-17 to the southeastern corner of 280.17-2-17; thence proceeding northeasterly along the eastern boundary of Parcels 280.17-2-17, 280.17-2-16, 280.17-2-13, and 280.17-2-12 to the northeastern corner of Parcel 280.17-2-12; thence proceeding westerly along the northern boundary of Parcels 280.17-2-12, 280.17-2-11, and 280.17-2-9 to the northwestern corner of Parcel 280.17-2-9; thence proceeding northwesterly along the northeastern boundary of Parcels 280.17-2-8, 280.17-2-7, 280.17-2-6, 280.17-2-4.1, and 280.17-2-4.2 to the northern corner of Parcel 280.17-2-4.2; thence proceeding northerly along the eastern boundary of Parcels 280.17-2-2, 280.13-1-64, 280.13-1-63, 280.13-1-62, 280.13-1-61, 280.13-1-60, 280.13-1-59, 280.13-1-58, 280.13-1-66.1, 280.13-1-57.3, 280.13-1-57.1, 280.13-1-56, 280.13-1-55, 280.13-1-49, 280.13-1-48, 280.13-1-47, 280.13-1-46, and 280.13-1-45 to the northwestern corner of Parcel 280.13-1-45; thence proceeding westerly along the northern boundary of Parcels 280.13-1-44, 280.13-1-43, 280.13-1-42, 280.13-1-41, 280.13-1-40, and 280.13-1-39 to the northwestern corner of Parcel 280.13-1-39; thence proceeding northerly along the eastern boundary of Parcels 280.13-1-38 and 280.13-1-33 to the northern corner of Parcel 280.13-1-33; thence proceeding southwesterly along the northwestern boundary of Parcels 280.13-1-32.1 and 280.13-1-32.3 to the northeastern corner of Parcel 280.13-1-32.2; thence proceeding westerly along the northern boundary of Parcels 280.13-1-32.2, 280.13-1-30, 280.13-1-29, 280.13-1-28, and 280.13-1-27 to the northern corner of Parcel 280.13-1-27; thence proceeding northerly along the eastern boundary of Parcels 280.13-1-26, 280.13-1-25, 280.13-1-24, 280.13-1-23, 280.13-1-20, 280.13-1-21, 280.13-18, 280.13-1-17, 280.13-1-16, 280.13-1-15, 280.13-1-8, 280.13-1-7, 280.13-1-6, 280.13-1-5, 280.13-1-3.2, 280.13-1-3.4.1, 280.13-1-3.4.2, 279.12-2-22, 279.12-2-23, 279.12-2-21, 279.12-2-20, 279.12-2-19, 279.12-2-18, 279.12-2-17, 279.12-2-16, 279.12-2-15, 279.12-2-25, 279.12-2-14, 279.12-2-13, 279.12-2-12, 279.12-2-11, 279.12-2-10, 279.12-2-9, 279.12-1-17, 279.12-1-16, 279.12-1-15, 279.12-1-14, 279.12-1-13, 279.12-1-12, 279.12-1-10, 279.12-1-9, 279.12-1-8, 279.12-1-7, 279.12-1-68.1, 279.12-1-5, and 279.08-1-14 to the northeastern corner of Parcel 279.08-1-14; thence proceeding easterly along the northern boundary of Parcel 279.08-1-14 to the northwestern corner of Parcel 279.08-1-14; thence proceeding northwesterly along the northeastern boundary of Parcels 279.08-1-13, 279.08-1-12, 279.08-1-25.1, 279.08-1-25.3, 279.08-1-11, 279.08-1-10, 279.08-1-9, and 279.08-1-8 to the northeastern corner of Parcel 279.08-1-8; thence proceeding northerly along the eastern boundary of Parcels 279.08-1-7,

279.08-1-6, 279.08-1-5, 279.08-1-4, 279.08-1-3, 279.08-1-2, and 279.08-1-1.1 to the northeastern corner of Parcel 279.08-1-1.1; thence proceeding southwesterly along the northern boundary of Parcel 279.08-1-1.1 to the northwestern corner of Parcel 279.08-1-1.1; thence proceeding perpendicularly across the highway boundary for State Route 394 to the northeastern corner of Parcel 279.00-2-7.1; thence proceeding southeasterly along the western highway boundary of State Route 394 to the northeastern corner of Parcel 279.00-2-5; thence proceeding westerly along the northern boundary of Parcel 279.00-2-5 to the northwestern corner of Parcel 279.00-2-5; thence proceeding southerly along the western boundary of Parcel 279.00-2-5 to the southwestern corner of Parcel 279.00-2-5; thence proceeding easterly along the southern boundary of Parcel 279.00-2-5 to the southeastern corner of Parcel 279.00-2-5; thence proceeding southerly along the western boundary of the highway boundary of State Route 394 to the northeastern corner of Parcel 279.00-2-8; thence proceeding westerly along the northern boundary of Parcel 279.00-2-8 to the northwestern corner of Parcel 279.00-2-8; thence proceeding southerly along the western boundary of Parcels 279.00-2-8 and 279.00-2-9 to the southwestern corner of Parcel 279.00-2-9; thence proceeding westerly along the northern boundary of Parcel 279.00-2-10 to the northwestern corner of Parcel 279.00-2-10; thence proceeding southerly along the western boundary of Parcels 279.00-2-10 and 279.00-2-12 to the southwestern corner of Parcel 279.00-2-12; thence proceeding easterly along the northern boundary of Parcels 279.00-2-16, 279.00-2-15, and 279.00-2-14 to the northeastern corner of Parcel 279.00-2-14; thence proceeding southerly along the eastern boundary of Parcel 279.00-2-14 to the northwestern corner of Parcel 279.00-2-13; thence proceeding easterly along the northern boundary of Parcel 279.00-2-13 to the northeastern corner of Parcel 279.00-2-13; thence proceeding southerly along the eastern boundary of Parcel 279.00-2-13 to the southeastern corner of Parcel 279.00-2-13; thence proceeding perpendicularly across the highway boundary for Moore Road to the northwestern corner of Parcel 279.00-2-26; thence proceeding southerly along the western boundary of Parcel 279.00-2-26 to the southwestern corner of Parcel 279.00-2-26; thence proceeding westerly along the northern boundary of Parcel 279.00-2-58 to the northwestern corner of Parcel 279.00-2-58; thence proceeding southwesterly along the western boundary of Parcel 279.00-2-58 to the southwestern corner of Parcel 279.00-2-58; thence proceeding easterly along the southern boundary of Parcel 279.00-2-58 to the northwestern corner of Parcel 279.00-2-57; thence proceeding southeasterly along the western boundary of Parcel 279.00-2-57 to the southwestern corner of Parcel 279.00-2-57; thence proceeding easterly along the southern boundary of Parcel 279.00-2-57 to the northwestern corner of Parcel 279.00-2-40; thence proceeding southerly along the western boundary of Parcel 279.00-2-40 to the southwestern corner of Parcel 279.00-2-40, said corner is also being the Point of Beginning.

and be it further: ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing and the resolution establishing the District, at an estimated maximum cost of \$9,312,000 and that the plan of financing is the issuance of serial bonds in an aggregate principal amount not to exceed \$9,312,000 such amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs for the establishment of the District will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District 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; and be it further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Chautauqua and file with the Department of Audit and Control/Division of Legal Services in Albany, New York copies of this Order, certified by the Town Clerk.

Motion: Councilman, Thomas Carlson

Second: Councilman, Leroy Parker

Vote: Supervisor Donald Emhardt - Aye
Councilman Thomas Carlson – Aye

Councilman Kenneth Burnett – Aye
Councilman Scott Cummings – Aye
Councilman Leroy Parker– Aye

Carried

Water District 5– Bond Resolution

A BOND RESOLUTION, DATED MARCH 11, 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. 5 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$9,312,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,312,000 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 designated and known as the Town of Chautauqua Water District No. 5 (the “District”); 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 District; 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 District 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 has previously undertaken an Article 12-A proceeding to create this District in 2024. However, the cost to the typical property was reduced while the project was under review by the Office of the State Comptroller. As a result, the Town has opted to commence a new Article 12-A proceeding to reflect the most recent District cost; 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 consist of (but not be limited to) the installation of approximately 28,000 linear feet of water main along various roads in the Town 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 \$9,312,000.

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 \$9,312,000 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 District will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District 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 District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District 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 is 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: Councilman, Scott Cummings **Second:** Councilman, Kenneth Burnett

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

Carried

Mobitrac – Application for 2027 Occupancy Tax Grant Program

Authorization to Apply for Funding from the Chautauqua County 2027 Occupancy Tax Grant Program for Lakes and Waterways for the 2027 Chautauqua Lake Mobitrac Nearshore Cleanup Project

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it including the Town of Chautauqua, but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Town, with assistance from the Chautauqua Lake and Watershed Management Alliance, is working to secure funding for the 2027 Chautauqua Lake Mobitrac Nearshore Cleanup Project, which will have a positive impact on the environmental health of Chautauqua Lake along with its tourism and recreation industry; and

WHEREAS, the Chautauqua County 2027 Occupancy Tax Grant Program for Lakes and Waterways offers a funding opportunity for the Project with no local match requirement and a maximum grant amount of \$50,000.00, and as a Member of the Alliance, the Town is entitled to lake and watershed-related grant application preparation services at no additional cost to the Town; therefore be it

RESOLVED, that the Town of Chautauqua Board authorizes a grant submission to the Chautauqua County 2027 Occupancy Tax Grant Program for Lakes and Waterways for the 2027 Chautauqua Lake Mobitrac Nearshore Cleanup Project, and if the grant application is successful, that the Supervisor is authorized to execute the grant contract, submit project documentation, and act in all matters related to Project and County funding assistance.

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

Second: Councilman Thomas Carlson

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

Carried

Non-Agenda Items:

Laura Marsala announced the Town Arbor Day Celebration scheduled for April 20th at 10:00 AM at the Town Hall, inviting board members and the public to participate.

Motion made by Councilman Leroy Parker approve the vouchers as presented to the board for payment. Abstract #003, Voucher # 093 – 157

**Abstract # 003
Deposit of 2/12/26 – 3/11/2026**

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	95,367.14
B	GENERAL FUND- OUTSIDE VILLAGE	29,867.32
DA	HIGHWAY FUND – TOWNWIDE	50,951.18
DB	HIGHWAY FUND – OUTSIDE VILLAGE	15,946.48
H4	WATER DISTRICT 2- SUPPLY & EXTENSION	380.64
H5	SEWER DISTRICT 1- NORTH EXTENSION	674,216.88
SL1	PT CHAUTAUQUA LIGHT DISTRICT	384.60
SL2	DEWITTVILLE LIGHTING DISTRICT	408.08
SL4	BAYBERRY LANDING LIGHTING DIST	26.59
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	625.83
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	13,745.20
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	21.02
SW4	WATER DISTRICT 4- MANDOLIN RIDGE	327.59
Total:		882,268.55

Second: Councilman Kenneth Burnett

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

Carried

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 7:19P.M.

Second: Councilman Scott Cummings

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

Carried

Rebecca Luba, RMC

Town Clerk

Town of Chautauqua