

Present: Supervisor Donald Emhardt, Councilmen Thomas Carlson, Kenneth Burnett, Leroy Parker and Scott Cummings. Deputy Clerk, Jess Emhardt, Code Enforcement Officers, Frank Watson and Rick Walczak, and Town Attorney, Joel Seachrist.

Others Present: Greg Bacon (Post Journal), Pierre Chagnon (County Legislator), Sharon Smead, Mark Smith, Karen Engstrom, Doug Kibbe (Rock Church Pastor), Marty Proctor, and other Town Residents

Supervisor 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 1/14/26 and Special Meeting 1/27/26.

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

Departmental Reports:

Town Clerk report for January submitted and on file. Monthly fees remitted totaled \$27,232.86 and disbursed as follows; Supervisor-A Fund: \$2,746.03, B Fund: \$350.00, Sewer User Fees-SS1 Fund: \$22,010.04, Sale of Water- SW3 Fund: \$1,847.56, SW4 Fund: \$188.23
NYS DEC for sporting license sales: \$0, NYS Animal Population Control program: \$46.00. NYS DOH Marriage License sales: \$45.00.

23 Record Requests were completed and 2 Marriage licenses issued. February dog license renewals mailed on 1/26/26 along with 2nd reminders and phone calls for all expired licenses.

Water and Sewer

Late Fees assessed and posted 2/6/26 for all outstanding water & sewer bills & second notices mailed.

Tax Collection

Penalty free period for the 2026 Town/County tax collection ended Feb 6th. Collection will continue throughout February with an additional 1% penalty and then a 2% penalty added for March. Payment on the warrant was made to the Supervisor and County on February 4, 2026.

Town offices will be closed Monday, February 16th in observance of Presidents Day.

Assessor's Report: submitted and on file. Busy with receiving exemption renewals, providing apportionments when needed, and continuing with our fieldwork for new construction and any demolitions.

Code/Zoning report submitted and filed. 10 Permits issued for the Town with project total of \$629,100.00. 19 Permits were closed for the Town totaling \$6,260,717.08 in project value. The Town Zoning Board heard 0 cases in January. And has two hearings scheduled for February.

Highway report was submitted and filed with the Town Clerk. The department plowed or sanded roads 24 days in January. Maintenance on trucks and shop were done, and pushed banks back on Burdick, Dean, Summerdale, & Brodt Roads.

Committee Reports:

Councilman Scott Cummings reported that he and Tom Carlson had conducted the annual code office review for 2025 to prepare the state report, describing it as a well-put-together report reflecting a very active office. He commended all three staff members in the code office for their work.

Councilman Tom Carlson provided an update on the tree committee initiative. He noted that the village had declined to participate, and the town was moving forward independently. Town Attorney Joel Seachrist indicated he needed additional guidance from the board on the committee's structure—specifically who would sit on it, who would appoint members, and who would be in charge—and asked to meet with the board within the next week or two. Councilman Carlson indicated he had brought the initiative forward and would be involved in overseeing it from the town board side. It was noted that the Arbor Society has bulletins to help structure such committees.

Councilman Carlson also announced that Arbor Day classes would be held at the Mayville Library on four consecutive Saturdays, free to the public, covering different aspects of trees. Details were still being finalized.

Councilman Cummings provided an update on the Comprehensive Plan implementation committee, noting that the group was forming and scheduled to meet on Wednesday, February 18th. He indicated the next step would be to seek formal approval from both the village and town boards and identify a chairman.

Councilman Burnett stated the Town Clerks audit has been recently completed, and the books were found to be well kept.

Public Comment (Non-Agenda Items):

There were no public comments on non-agenda items

Agenda Items:

Highway– Request to Post Roads

The Supervisor noted the Highway Superintendent's request to post roads, acknowledging there was little frost this year but that posting was appropriate given the anticipated warm-up the following week.

Motion: made by Councilman Thomas Carlson authorizing the Highway Superintendent to post roads

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

Disposition Of Records

The Supervisor directed the Board's attention to a list of Town records presented by the Town Clerk for approval. Authorization was requested to proceed with the disposal of records from previous years, in accordance with the LGS-1 disposition schedule.

Motion: made by Councilman Scott Cummings to authorize the disposition of records

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

Resolution- Town Court 2025 Audit

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Town and Village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and entered into the minutes of the board's proceedings.

WHEREAS, an audit committee consisting of two board members conducted an audit of the 2025 court records on February 5, 2026.

WHEREAS, the records have been duly examined, and all fines collected in 2024 have been paid to the proper officials of the Town as required by law.

WHEREAS, a satisfactory report was submitted to the Town Board and filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, the Board for the Town of Chautauqua acknowledges the completed audit report as submitted with no issues found.

Dated: February 11, 2026

Motion: made by Councilman Scott Cummings to approve the resolution for the 2025 Audit of Court Records

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

Amendment to Abstract 013 and 001

TOWN OF CHAUTAUQUA AMENDMENTS TO ABSTRACT 001 of 2026

The following vouchers were VOIDED in Abstract 001 decreasing the total approved on January 14, 2026

<u>Voucher No.</u>	<u>Action</u>	<u>Reason</u>	<u>Fund</u>	<u>Amount</u>
#005	CK Voided	Overpayment	A1410.4	\$100.00
			Change to Abstract	(\$100.00)

RESOLVED, the Town Board of the Town of Chautauqua hereby acknowledges the decrease of \$100.00 to the A Fund as noted approving the amended total of \$309,538.98 for Abstract 001.

Dated: February 4, 2026

Vote:	Aye	Nay	Abstained	Recused
Supervisor, Donald Emhardt	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Scott Cummings	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Thomas Carlson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Leroy Parker	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Kenneth Burnett	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Carried

TOWN OF CHAUTAUQUA
AMENDMENTS TO ABSTRACT 013 of 2026

The following vouchers were VOIDED in Abstract 001 decreasing the total approved on January 14, 2026

Voucher No.	Action	Reason	Fund	Amount
#882	CK Voided	Change Order Only	H5-1440.2	\$47,340.99
			Change to Abstract (\$47,340.99)	

RESOLVED, the Town Board of the Town of Chautauqua hereby acknowledges the decrease of \$47,340.99 to the H5 Fund as noted approving the amended total of \$279,971.48 for Abstract 013.

Dated: February 4, 2026

Vote:	Aye	Nay	Abstained	Recused
Supervisor, Donald Emhardt	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Scott Cummings	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Thomas Carlson	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Leroy Parker	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Councilman, Kenneth Burnett	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Carried

The Rock Church – CMB Use

The board discussed a request from The Rock Church to hold remote worship services in the gymnasium of the Chautauqua municipal Building on Sunday mornings. Representative Doug Kibbe was present to follow up from the prior month's meeting.

The Supervisor acknowledged that the arrangement presented a new situation, as it would involve regular, recurring use of the space by a single organization, unlike the informal use that had previously been permitted for youth sports or the county's civil service testing. Key operational considerations discussed included heat, lighting, cleaning, parking lot maintenance, and the coordination needed when the county uses the gymnasium on Saturdays for civil service testing—which could require a shift-over of furniture before Sunday services.

Kibbe committed that his volunteers would arrive early to handle all setup and takedown, and that the space would be left in the same condition as found, citing the church's seven-year record of doing the same at an AMC Theater. He confirmed the church would carry its own insurance and offered to make improvements to the space, such as installing a projector and screen, at no cost to the town. He indicated the church's ideal timeline would be to open by Easter, with an expected attendance of around 50 adults and 15 volunteers.

On rates, the Supervisor suggested a figure of approximately \$12,000 per year (just over \$1,000/month), noting that heat from the five rooftop HVAC units and electricity were significantly

cost drivers. Kibbe indicated this was higher than anticipated but that a rate of \$1,000/month could work. The board reached a general consensus around \$1,000 per month.

Councilman Cummings noted the importance of formalizing the arrangement through a lease to avoid setting a precedent that would require granting similar space to any other organization that might request it.

Discussion also touched on the logistics of space for children's programming. The Supervisor suggested the lobby hallway near the jury room as an appropriate area, noting it was secured and separated from the 24/7 emergency services area. Kibbe confirmed that rolling racks of equipment would be stored in an available utility space between uses.

Motion: made by Councilman Scott Cummings to authorize the Supervisor to negotiate a lease with the church, not to exceed \$12,000 annually.

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

Public Hearing – Water District 1 Extension

Motion: made by Councilman Scott Cummings to open the public hearing @ 7:15PM

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

Supervisor Emhardt provided an overview, explaining that the extension would run from the green water tower at Chautauqua Lake Estates to the Village of Mayville, taking in areas including Sandalwood, Mill Road, Mill Road Extension, Big Inlet, Elmwood, and surrounding neighborhoods. He noted that final engineering was underway, but that the exact routing—likely along Route 430—had not yet been finalized, in part because National Grid had been uncooperative regarding the use of their right-of-way. He anticipated construction could begin in spring 2027.

Several residents attended the hearing and raised questions and comments, which were addressed by the Town Board.

Infrastructure and routing: A resident from the Mill Road Extension area, asked about the route and whether it would follow Route 430 or a utility right-of-way. The Supervisor confirmed it would likely follow Route 430, with branches down roads such as Mill Road or Galloway, though the final route was still to be determined through engineering. He confirmed it would be an 8-inch line with fire hydrants and residential water taps.

Sandalwood and existing customers: A resident who was already connected to water through the Sandalwood district, asked how the extension would affect her. The Supervisor explained that Sandalwood customers currently receive water from the Village of Mayville at 150% of the village's rate. Under the extension, these customers would be transferred to the town's own water district, which was expected to result in lower rates.

Hooking up and costs: A resident of Mill Road Extension asked about requirements for hookup, shared wells, and what would happen to existing private wells during construction. The Supervisor explained that all properties would be charged for infrastructure regardless of whether they chose to connect, but that connection itself was not mandatory. Residents could remain on their wells but could not have both the municipal water system and a private well connected to the house simultaneously without proper backflow prevention. The Supervisor indicated a certified contractor would be needed and that residents often saved money by coordinating with neighbors to hire a contractor as a group.

Billing and debt service: The projected annual homeowner cost was estimated between \$925 and \$1,176. The Supervisor explained the system would be metered, with roughly two-thirds of the bill reflecting usage and the remainder covering infrastructure, financed through a \$5 million grant and a 0% 30-year loan. The debt service portion would appear on property taxes and the usage portion on a quarterly water bill.

Timeline and process: A town Resident on Elmwood, expressed gratitude after waiting decades for water service. She asked whether all three sections of the project would begin simultaneously; Supervisor indicated the contractor would likely start at one end and work to the other. Councilman Cummings noted that easements could be a significant source of delay, particularly for private roads

Permissive referendum: A resident asked whether the project could be stopped. Town Attorney Seachrist explained that the board's approving resolution would be subject to permissive referendum, requiring a sufficient percentage of district residents to submit signed petitions to trigger a special election.

Private roads and easements: Resident of Big Inlet asked about neighbors who might refuse to allow the water line down a private road. The Supervisor confirmed that if residents own the road, their permission would be required by way of an easement, which would be handled by the town's attorney.

Existing Village water infrastructure: A resident asked about the existing village water line on Mill Extension, which currently terminates at a hydrant. The Supervisor clarified that this was not a fire hydrant but a weeping hydrant to keep water flowing and prevent sediment buildup, and that the existing 4-inch line was undersized and would likely be replaced as part of the project. Affected properties would be switched to the town's water district.

Fire district coordination: A Resident of Fisherman's Lane asked whether the new Hartfield Bay fire district had been consulted, given their interest in fire hydrant access. The Supervisor confirmed that communication with the fire department had been ongoing and described the 300,000-gallon water storage capacity as a significant asset for firefighting.

Meters and water treatment: A Resident asked about meter placement, water treatment, and guidance documents for connecting to the system. He also raised the question of how commercial or

LLC-held properties would be rated. The Supervisor acknowledged these would be addressed when the board sets the district's rules.

Motion: made by Councilman Thomas Carlson to close the public hearing at 7:40pm

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

Resolution Making Certain Determinations & Approving Extension

WHEREAS, the Town Board of the Town of Chautauqua, Chautauqua County, New York, has duly caused to be prepared a map showing the boundaries of a proposed extension of Water District No. 1 in said Town (hereinafter, "Water District No. 1" or simply, the "District"), a general plan to install water main, along with source, treatment, and storage improvements to the said District, and a report of the proposed method of financing and operation thereof; and

WHEREAS, after the said map, plan and report was filed in the office of the Town Clerk of the Town of Chautauqua, the said Town Board did, on January 14, 2026, duly adopt an order reciting a description of the proposed extended boundaries, that the implementation of improvements within the Extension area was contingent on the receipt of grants and no-interest financing and would be charged on a benefit basis, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Chautauqua Community Building, 2 Academy Street, Mayville, New York on the 11th day of February, 2026, for the purpose of conducting a public hearing on the proposed extension of the district boundaries and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made;

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Chautauqua, in the County of Chautauqua, that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed extended district boundaries are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed extended district boundaries.
- (4) It is in the public interest to extend the district as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the extension of the Town of Chautauqua Water District No. 1 to include the area described by the following boundaries:

The Town of Chautauqua Water District No. 1 Extension is located in the Town of Chautauqua, Chautauqua County, New York, being in particular described as follows. Tax Parcel information is based on the Chautauqua County Parcel Viewer GIS data from May 2025.

BEGINNING AT THE POINT, of the northwest corner of Parcel 246.13-2-2; thence southeasterly along the northern boundary of Parcel 246.13-2-2 to the northeastern corner of Parcel 246.13-2-2; thence across the rights-of-way of Mill Street to the northwestern corner of Parcel 246.13-3-55; thence southeasterly along the

northern boundary of Parcels 246.13-3-55 and 246.13-3-50 to the northeastern corner of Parcel 246.13-3-50; thence across Big Inlet Creek to the northwestern corner of Parcel 246.13-3-3; thence southeasterly along the northern boundaries of Parcels 246.13-3-3 and 246.13-3-7.2 to the eastern corner of Parcel 246.13-2-7.2; thence across the rights-of-way of Elmwood Road to the northwestern corner of Parcel 246.18-27.1; thence southeasterly along the northeastern boundaries of Parcels 246.18-1-27.1 and 246.18-1-26 to a point along the northeastern boundary of Parcel 246.18-1-26 that is perpendicular across the rights-of-way of New York State Route 430 from the northwestern corner of Parcel 246.00-2-34; thence across the rights-of-way of New York State Route 430 to the northwestern corner of Parcel 246.00-2-34; thence easterly along the northern boundary of Parcel 246.00-2-34 to the southeastern corner of Parcel 246.00-2-35; thence northerly along an eastern boundary of Parcel 246.00-2-34 to the northeastern corner of Parcel 246.00-2-35; thence easterly along the northern boundary of Parcel 246.00-2-34 to a point that is 500 feet perpendicularly offset from the centerline of New York State Route 430 on the northern boundary of Parcel 246.00-2-34; thence southerly along a line that is 500 feet offset from and at all points parallel to the centerline of New York State 430 to a point on the southern boundary of Parcel 263.00-1-1; thence westerly along the southern boundary of Parcel 263.00-1-1 to the southwestern corner of Parcel 263.00-1-1; thence across the rights-of-way boundary of New York State Route 430 to the southwestern corner of Parcel 263.10-1-11.1; thence westerly along the southern boundary of Parcels 263.01-1-11.1, 263.10-1-12, and 263.10-1-13 to the shoreline of Chautauqua Lake; thence northerly along the Chautauqua Lake shoreline to the southwestern corner of Parcel 246.13-4-19; thence across Big Inlet Creek to the southeastern corner of Parcel 246.13-4-34; thence westerly along the southern boundary of Parcels 246.13-4-34 and 246.13-2-11.1 to the northwestern corner of Parcel 246.13-2-33; thence northerly along the western boundary of Parcel 246.13-2-16 to the northwestern corner of Parcel 246.13-2-16; thence westerly along the southern boundary of Parcel 246.13-2-11.1 to a southeastern corner of Parcel 246.13-2-11.1; thence northerly along the western boundary of Parcel 246.13-2-11.1 to the northwest corner of Parcel 246.13-2-11.1; thence easterly along the northern boundary of Parcels 246.13-2-11.1 and 246.13-2-8 to a point along the northern boundary Parcel 246.13-2-8 that is perpendicular across the rights-of-way of Sea Lion Drive from the southwestern corner of Parcel 246.13-2-7; thence across the rights-of-way of Sea Lions Drive to the southwestern corner of Parcel 246.13-2-7; thence northwesterly along the western boundary of Parcels 246.13-27 and 246.13-2-2 to the northwestern corner of Parcel 246.13-2-2, said point also being the Point of Beginning. and be it

FURTHER RESOLVED, that future improvements in said extended district shall be funded by an assessment charged against the properties benefited on a benefit basis, offset by any funds received from grants and no-interest financing; and be it

FURTHER RESOLVED, upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Water District No. 1 as extended in the Town of Chautauqua, Chautauqua County, New York, consisting of the installation of a third high-lift pump, expansion of the existing treatment building, and installation of a treatment storage tank; installation of approximately 450 linear feet of 3-inch water main, approximately 6,400 linear feet of 6-inch, approximately 15,350 linear feet of 8-inch water main, approximately 4,000 linear feet of water service piping; installation of 212 water services; installation of approximately 37 fire hydrants; installation of approximately 62 mainline valves, and incidental improvements and expenses in connection therewith; and be it

FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law, and the Town Clerk is hereby authorized to post and publish notice of the adoption of this resolution in the manner provided by law.

Motion: made by Councilman Scott Cummings **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

CMB 3rd Wing Window BIDS

Supervisor Emhardt reported that the windows in the third wing of the CMB were original to the building's construction in 1929 and that many had broken or fallen out. With the interior renovation of the wing underway, it was an appropriate time to replace the exterior windows as well. The new windows would match the style of those already installed in other parts of the building, and interior finishing would be completed as part of the broader wing construction project. The Supervisor also confirmed that mold remediation throughout the wing had been completed, with the entire ceiling now sealed and painted gray.

The low bid of \$152,582 came from TGR Enterprises of West Seneca, New York. The board was satisfied that TGR Enterprises was a qualified bidder.

Motion: made by Councilman Scott Cummings to award the CMB third wing window bid to TGR Enterprises at the bid price of \$152,582

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

Sewer District 1 North Extension

Councilman Cummings reported that Janelle had done excellent work compiling the rate structure for the Sewer District 1 North Extension, working to keep the annual cost as low as possible while maintaining adequate funds for future maintenance. The resulting annual rate of \$1,235 per dwelling unit was presented. The Supervisor noted that the resolution also included a definition of "dwelling unit" for billing purposes, and that the rate needed to be adopted by March 1st to be placed on the tax rolls.

Resolution Establishing User Fees and Charges for the Town of Chautauqua Sewer District No. 1 Extension 1 North

WHEREAS, in construction of Town of Chautauqua Sewer District No. 1 Extension 1 North is nearing completion; and

WHEREAS, the Town of Chautauqua, which serves as the Administrative Head of the District, after having held a public hearing, approved through Town Law Section 202-b proceedings on proposed user charges in accordance with Resolution dated September 26, 2024; now therefore be it

RESOLVED, That the Town of Chautauqua Board approves the board-determined schedule of user charges for Town of Chautauqua Sewer District No. 1 Extension 1 North area customers as follows:

Charges by the town of Chautauqua sewer district no. 1 extension 1 north

Section 1: Pursuant to § 209-q of Article 12-C of the NYS Town Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

Section 2: As used herein, the following terms shall mean and include:

- A. District: The Town of Chautauqua Sewer District 1.
- B. Administrative Head: The Administrative Head or body of the District as established by the Town of Chautauqua.
- C. User: A parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

Section 3: The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall consist of one unit.

C. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph D of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 2-25 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

D. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the facilities

of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 2-25, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

Section 4: Pursuant to § 209-q of Article 12-C of the NYS Town Law, the annual per Unit charge for collection, conveyance, treatment and disposal of sewage is:

For properties in the Town of Chautauqua Sewer District 1 Extension 1 North area - \$1,235;

For properties in that are vacant lots - \$100.

Section 5: Billing

A. The Administrative Head shall quarterly fix the amount to be charged for operation and maintenance to each parcel connected or required to be connected to public sewers within the District under § 209-q of Article 12-C of the NYS Town Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of January, April, July and October for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Administrative Head shall fix the amount to be charged for infrastructure to each parcel connected or required to be connected to public sewers within the District under § 209-q of Article 12-C of the NYS Town Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof and shall be included on the homeowners Property tax bill.

C. The Clerk of the Town of Chautauqua shall collect all charges and penalties established hereunder in accordance with § 209-q of Article 12-C of the NYS Town Law.

D. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V. A. of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

E. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

Section 6: In accordance with § 209-q of Article 12-C of the NYS Town Law, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to The Town of Chautauqua, 2 Academy Street, Mayville, New York 14757 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with § 209-q of Article 12-C of the NYS Town Law, and shall state the address to which notices to the property owner shall be sent.

Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal.

C. The Supervisor of the Town of Chautauqua shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three-member committee to review the appeal and to respond and to make a written recommendation to the Town of Chautauqua. The Supervisor, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Supervisor shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Supervisor for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Town of Chautauqua shall notify the property owner and the Administrative Head of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Supervisor and the failure of the Town of Chautauqua Board to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Supervisor of a proposed decision under Paragraph D hereof; if the second resolution of the Supervisor deciding the appeal fails to be adopted because of the veto of the Supervisor and the failure of the Town of Chautauqua Board to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under § 209-q of Article 12-C of the NYS Town Law or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Town of Chautauqua Board, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Town of Chautauqua Board.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either The Town of Chautauqua, 2 Academy Street, Mayville, New York 14757 or the property owner at the address stated in his appeal.

FURTHER RESOLVED, If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

Motion: made by 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

RFP for Zoning Consultant

Councilman Cummings presented a draft Request for Proposals (RFP) for a zoning consultant to revamp the town's current zoning code, which was acknowledged to be outdated.

Cummings noted that once the RFP process was underway, an internal review committee would need to be formed, including members from the Zoning Board, the Code Office, and the town board.

Motion made by Councilman Scott Cummings to approve the RFP for zoning consulting services and authorize its distribution.

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:

Resident Laura Marsala raised the topic of an Arbor Day ceremony, noting that it is a requirement for the town's Tree City USA designation application. She requested that the town identify a location for a ceremonial tree planting and indicated she would organize the event, scheduled for Friday, April 24th. Discussion focused on replacing a maple tree near the front of the CMB, near the area where a tree had previously fallen.

Councilman Carlson offered to personally purchase the tree if funding could not otherwise be secured, though it was noted that various grants and foundation funding would be available once the tree committee was formally established. Marsala agreed to submit an outline to the Supervisor for distribution to the board.

Supervisors Report:

The Supervisor noted there was no formal Supervisor's report, as the board was in the period for its annual update and audit.

Motion made by Councilman Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #002, Voucher #021-091

Abstract # 002 Deposit of 1/08/2025 – 02/10/2025

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	163,697.83
B	GENERAL FUND- OUTSIDE VILLAGE	56,390.00
DA	HIGHWAY FUND – TOWNWIDE	37,007.32
DB	HIGHWAY FUND – OUTSIDE VILLAGE	15,056.96
H2	WATER DISTRICT 4- EXTENSION	360.00
H4	WATER DISTRICT 2- SUPPLY/EXTENSION	418,397.75
H5	SEWER DISTRICT 1- NORTH EXTENSION	237,538.00
SL1	PT CHAUTAUQUA LIGHT DISTRICT	426.53

SL2	DEWITTVILLE LIGHTING DISTRICT	455.80
SL4	BAYBERRY LANDING LIGHTING DIST	29.47
SS1	CHAUTAUQUA HEIGHTS SEWER DISTRICT	1,043.80
SW1	CHAUTAUQUA HEIGHTS WATER DISTRICT	7,197.18
SW3	WATER DISTRICT 3- CHAUTAUQUA SHORES	25.00

Total: 937,625.64

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 8:12 P.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

Jessica Emhardt
Town Deputy Clerk
Town of Chautauqua