

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

Others Present: Karen Engstrom, Tom & Julie Lescynski, Dawn Freeman, Dan & Joan Hicks, Melissa Sanden, Steve Bittinger, Jeff & Sandralee Wagner, Mark Smith, Sharon Smead, Laura Marsala, and Greg Bacon(Post-Journal).

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

Motion made by Councilman, to approve the minutes for April 8, 2026 as presented.

Second: Councilman Scott Cummings

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

Carried

Public Comment:

Laura Marsala addressed the Board regarding the formation of a tree board, expressing interest in scheduling a meeting to begin organizing it. She indicated she would submit a list of interested members and suggested coordinating via email. The Board directed her to copy both the Supervisor and Rebecca on any correspondence.

Dawn Freeman took a moment to thank the Town for going the extra mile regarding her grandmother's property on Beaujean Road, and specifically recognized Frank Watson for his outstanding contributions and continued involvement throughout the process.

Sandra Wagner offered thanks to the tree advisory committee for their hard work and dedication.

Karen Engstrom addressed the Board at length regarding the growing threat of industrial wind development. She reported that nine towns are currently being targeted by Bedrock Wind, and that moratoria put in place by neighboring towns are beginning to expire. She noted that neighboring communities regard Chautauqua as the strongest town in the region in terms of protecting quality of life, urging the Board to enact strong protective industrial wind laws with meaningful setbacks. She referenced the county health board's recommendation of a 1.5-mile setback due to adverse human health effects caused by infrasound, citing testimony from residents living near existing wind installations, including reports of severe migraines, sleep disruption, dizziness, tinnitus, nausea, heart palpitations, and an inability to have family visit. She also referenced testimony from the state Department of Health acknowledging health-related effects of industrial wind, noting that several New York towns have successfully used home rule authority to enact protective laws with setbacks ranging from 2,500 feet to one mile.

Joan Hicks raised a concern about villas in front of Sunset View and adjacent condominiums, expressing worry about the impact of density on nearby residents.

Department Reports:

Town Clerk report was submitted and filed. Fees collected for April totaled \$38,075.29 and disbursed as follows: A Fund: \$2,087.92 B Fund: \$360.00, SS1: \$22,582.18, SW3 \$12,530.97, SW4: \$514.22
NYS DEC license sales: \$103.93, NYS Ag & Markets: \$78.00, Dept. of Health \$22.50.

There was 1 Marriage license issued, and 9 record requests completed.

Dog licensing renewals for May were sent out, with stronger follow-up letters issued for unlicensed dogs, yielding a positive response rate. The office is working on updating the current dog licensing law.

Final tax reports and warrant payment submitted to the County. Total Penalties and Interest collected for 2026 were \$41,859.80. Updated Town Website. Offices will be closed Memorial Day, May 25th, 2026.

Liquor license renewal notice was received from Hartfield Bay Café on April 9th.

Councilman Cummings inquired on the status of violations that were found on this establishment by the code office. Code Officer Watson stated their department is working with the owner, but current violations have yet to be resolved.

Code/Zoning Office report submitted and filed in Clerk's office. There were 23 permits issued with project value totaling \$675,268.82 and 30 permits closed with project value totaling \$1,048,092.62
There were 7(seven) violations issued. There were 5 Zoning hearings in April and one scheduled in May.

In response to a question about construction trends, it was noted that new home construction is down, with current activity shifting toward pole barns, remodels, and roofing projects. The Board also noted that the backlog of old, unclosed permits has been substantially reduced over recent years.

Councilman Cummings inquired about the status of the pro-housing data requested by the Town's consultant approximately a month and a half ago, asking for a prompt follow-up

Assessor's report was submitted and filed in Clerk's office. Valuation for new construction, demolition, and reviews requested by property owners have been completed. Tentative roll for 2026 was filed with the County and all notices for properties having an assessment change have been mailed. Appropriate legal notice for the tentative roll appeared on May 1, 2026 in the Post-Journal, as required by NYS Real Property Tax Law. Grievance Day will be held on May 27, 2026 by appointment at the Town of Chautauqua offices.

Highway Superintendent reported on the following activities: Finished hauling in #2 stone to use up unspent Swales grant funds; installed a new water meter at a new house in Chautauqua Shores; cleared limbs from winter storms around Town; painted walls in the shop; completed DI repair and pipe work; swept all roads and intersections; planted trees and plants to complete the Swales project in Point Chautauqua and Moore Road; patched roads and hauled blacktop for the Towns of Westfield, Ripley, and Portland; picked up the new tractor from Wiggers; cleaned up turnarounds and wing digs; and spent approximately 48 hours on water work in April, including marking water lines and reading meters.

A brief discussion followed regarding the decision not to mail spring cleanup postcards this year as a cost-cutting measure. Councilman Carlson and others noted that some residents, particularly elderly community members, rely on the mailed notice. Clerk Luba clarified that the decision originated from the clerk's office in collaboration with other departments as the dates and times for collection are the same each year. This had been communicated in the preceding year's mailings stating the information would now be posted on the Town's website. It was suggested that a reusable magnet with cleanup dates and disposal guidelines could serve as a long-term alternative.

Committee Reports:

Zoning Update Committee-

Code Officer, Rick Walczak, introduced the Zoning Code Update Committee, with Rick designated as Chairman. He reported that bids were opened on March 26th, with four proposals being received. The committee selected Wendell as the preferred firm based on their team approach, their familiarity with the Town, and a competitive mid-range price. The second-ranked firm was CMD, which previously assisted with the comprehensive plan. A concern was noted about a lower-priced competing firm due to its small size — consisting of only two individuals. Next steps include issuing formal notice to Wendell and working toward a contract and an introductory presentation. Town Attorney Joel noted he has a call scheduled with Wendell the following day and will address the contract at that time. He also noted that one of Wendell's team members has a local connection, having graduated from Westfield High School.

Water and Sewer Projects-

The Supervisor announced that the County has issued a bid for the engineering of the last segment of the sewer line encircling the lake, extending from Dewittville to Midway. Additionally, the Dewittville water main has been both installed and tested. The sewer project is nearing completion with the final installations underway. Furthermore, preparations are being made to establish two more water districts.

Agenda:

Zoning Updates- Contract for Consulting Services

Following the committee's recommendation, the Board formally voted to award the contract for zoning and code updates to Wendell, the successful bidder, based on the strength of their proposal, team approach, relevant experience, and competitive pricing.

RESOLVED to award the contract for zoning and code updates to Wendell authorizing the Town Supervisor to sign the contract not to exceed \$55,000.00

Motion: by Councilman Scott Cummings

Second: Councilman Kenneth Burnett

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

Carried

Beaujean Rd. Cleanup – Contract for Demolition Services

Three bids were received for the Beaujean Road cleanup project. Bids were as follows:

Lang Enterprises \$6,100 (lowest); Landmark Enterprises \$9,500; and Matthews Enterprises \$11,200.

It was noted that the awarded contractor would be given a defined start and stop window of three days, after which the Board retains the option to engage the second-place contractor if progress is unsatisfactory.

RESOLVED to award the bid for the cleanup of 7127 Beaujean Rd. to Lang Enterprises authorizing the Town Supervisor to sign the contract not to exceed \$6,100

Motion: by Supervisor Donald Emhardt

Second: Councilman Thomas Carlson

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

Councilman Kenneth Burnett – Aye
Carried

Special Use Permit- Bittering Wedding Venue

To consider the application of Steven and Janice Bittering for a Special Use Permit allowing them to operate a Wedding or Private Event Facility on property located at 7999 Nettle Hill Road, Sherman, and designated as tax map parcel Section 294.00, Block 1, Lot 6.2. Notice of public hearing was published in the Jamestown Post-Journal and posted on the Town website/sign board May 1, 2026.

Motion: by Councilman Scott Cummings to open the public hearing at 7:17 P.M.

Second: Councilman Thomas Carlson

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

Carried

Floor was opened for public comment. The applicant, Steve Bittering, was present and available for questions. Code Enforcement confirmed that the site had been inspected multiple times and that everything appeared to be in order.
No further public comment was offered.

Motion: by Councilman Thomas Carlson to close the hearing at 7:18P.M.

Second: Councilman Scott Cummings

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

Carried

RESOLUTION - SEQRA DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, Steven and Janice Bittering (hereinafter, collectively, the “Applicant”) have submitted an application for a Special Use Permit that would permit them to operate a Wedding or Private Event Facility at 7999 Nettle Hill Road, which is designated as tax map parcel Section 294.00, Block 1, Lot 6.2, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Parts I and II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Motion: by Councilman Scott Cummings **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

RESOLUTION -Special Use Permit

WHEREAS, Steven and Janice Bittinger, hereinafter, collectively, called the “applicant”, have submitted a special use application requesting permission to operate a Wedding or Private Event Facility, pursuant to Section 143-28(H)(30) and Section 143-65.1 of the Town of Chautauqua Zoning Code, on property located at 7999 Nettle Hill Road, Sherman in the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed action was the subject of a public hearing held by the Zoning Board of Appeals in regards to its zoning impact, on April 21, 2026, after publication of legal notice, at which time all persons having an interest in the application were heard, and recommendations in writing were made by that board, and

WHEREAS, the Town submitted a zoning referral to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and was advised by letter dated April 22, 2026 that the proposed use was of local option, and

WHEREAS, the Town Board has considered all the facts and papers before it, including the recommendations of the Town of Chautauqua Zoning Board of Appeals made after its April 21, 2026, and having heard those wishing to be heard at a public hearing held May 13, 2026, after publication of legal notice, and finds that the applicant will comply with all requirements of Section 143-65.1 of the Zoning Code, and further finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application for a Special Use Permit to operate a Wedding or Private Event Facility at 7999 Nettle Hill Road, Sherman, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The applicant shall undertake the permitted use in accordance with the plans prepared, upon information and belief, by the applicant and submitted to the Town with the application, and to be bound by the terms of the application and the conditions of this permit, based in Section 143-65.1 of the Town of Chautauqua Zoning Code, which are as follows:

- a. No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained “on site”. “On site” is defined as at least 30’ from the property boundaries of the parcel on which the event is permitted.

- b. One parking space for every three persons attending an event shall be provided for on-site parking.
 - c. The general event area (the actual location(s) in which the gathering is to occur) shall be located 200' from adjacent owner's property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed above.
 - d. Sources of amplified sound including but not limited to recorded music, live musical performances, and spoken word shall commence no earlier than noon and shall be terminated by 10:00 p.m. on Sunday through Thursday and at midnight on Friday and Saturday nights.
 - e. No overnight accommodations shall be allowed in temporary structures such as tents or recreational vehicles.
 - f. Adequate sanitary restroom facilities shall be provided on site.
- 2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
 - 3. This permit does not authorize the erection of structures or buildings without building permits that are otherwise required by state or local law.
 - 4. Any failure or omission on the part of the applicant to carry out the conditions or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Chautauqua Zoning Code and unless corrected in not more than ten (10) days following the service of written notice of such violation upon the applicant, may subject the applicant to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
 - 5. This Special Use Permit shall become effective after the applicant approves each and every provision hereof and agrees to be bound by all of the terms of herein contained in consideration of the granting of this Special Use Permit.

Motion: by Councilman Thomas Carlson **Second:** Councilman Scott Cummings

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

Carried

CMB Lease- CHRIC Lease Renewal

The Board considered a five-year lease renewal with CHRIC for office space in the Community Municipal Building. During the discussion, it was highlighted that there would be no rate increase included in the terms of the renewal, as a considerable rate increase had already been implemented in the prior contract term.

RESOLVED, the Town Board approves the renewal of the five-year lease agreement with CHRIC for office space in the Community Municipal Building authorizing the Town Supervisor to sign the lease agreement.

Motion: by Supervisor Scott Cummings **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

Water District No. 1 Extension – Proposal for Fiscal Services/Grant Management

The Board reviewed a proposal from Municipal Solutions to aid in the financial oversight of the water extension project for Water District No. 1. Board members expressed their confidence in the firm's expertise and skills. They highlighted Municipal Solutions' successful track record with similar projects and their strong grasp of what's needed.

RESOLVED, the Town Board approves the Municipal Solution's proposal dated April 29, 2026 and authorizes its execution.

Motion: by Councilman Thomas Carlson **Second:** Councilman Scott Cummings

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

Carried

Non-Agenda items/Discussion: Nothing new was presented.

Supervisor Emhardt presented reports for January through April noting their delay was caused by the preparation and filing of the annual financial report required by the State. The Board acknowledged that some delay in this process is typical each year.

RESOLVED, the Town Board approves the Supervisor's Reports for January, February, March, and April.

Motion made by Councilman Thomas Carlson **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 approve the vouchers as presented to the board for payment. Abstract #005, Voucher # 534 - 610

Abstract # 005
Deposit of 04/08/2026 – 05/13/2026

Code	Fund	Amount
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A	GENERAL FUND – TOWNWIDE	175,606.50
B	GENERAL FUND – OUTSIDE VILLAGE	1,512.85
DA	HIGHWAY FUND – TOWNWIDE	79,431.95
DB	HIGHWAY FUND – OUTSIDE VILLAGE	23,429.14
H4	WATER DISTRICT 2 SUPPLY/EXTENSION	311,814.76
H5	SEWER DISTRICT 1 NORTH EXTENSION	2,401.20
H7	WATER DISTRICT 5- DISTRICT CREATION	46,423.70
H8	WATER DISTRICT 1 EXTENSION	398.40
SL1-	PT CHAUTAUQUA LIGHT DISTRICT	367.96
SL2-	DEWITTVILLE LIGHTING DISTRICT	368.76
SL4-	BAYBERRY LANDING LIGHTING DIST	22.95
SS1-	SEWER DISTRICT 1	864.73
SW1-	WATER DISTRICT 2	6,903.48
SW3-	CHAUTAUQUA SHORES WATER DISTRICT	25.00
Total:		649,571.38

Second: Councilman Kenneth Burnett

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 enter executive session at 7:25pm with the Town's attorney to discuss pending litigation.

Second: Councilman Scott Cummings

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 Leroy Parker to end the executive session at 8:15pm

Second: Councilman Kenneth Burnett

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

Carried

No Further discussion or action was taken.

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 8:15 P.M.

Second: Councilman Scott Cummings

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

Councilman Kenneth Burnett – Aye
Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua

DRAFT