

Present: Supervisor Donald Emhardt, Councilmen Scott Cummings, Thomas Carlson, Leroy Parker and Kenneth Burnett. Town Attorney, Joel Seachrist and Town Clerk, Rebecca Luba.

Others Present: Paul & Barbara Rankin, Alan Bozer, Maureen Emerling, Doug Ronsheim, Karen Engstrom

Meeting opened by Supervisor Emhardt at 5:00p.m.

The Town Board held a special meeting the Town of Chautauqua Municipal Building located at 2 Academy St., Mayville, NY to hold a public hearing for the proposed establishment of Water District No. 5 in the Town of Chautauqua. Notice of hearing was published in the Jamestown Post-Journal on January 16, 2025 and on the Town's website and signboard.

Public Hearing- Water District No. 5

Motion made by Councilman, Thomas Carlson opening the public hearing at 5:01p.m.

Second: Councilman Scott Cummings

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

Carried

Supervisor Emhardt provided an update on the proposed project, explaining that they had secured a better rate from Chautauqua Utility District (CUD). The rate had been reduced from 150% to 125% of the master meter charge, with only one meter charge for the whole district rather than individual meter charges. This change brought the cost down below the threshold that would require comptroller approval.

Councilman Cummings noted that CUD had been more cooperative this time, possibly because they recognized the potential revenue opportunity, as the district would add almost half the number of customers they currently have. CUD is operating at about 50% of their total capacity at peak usage, so they have sufficient volume to supply the new district.

The annual water usage cost was estimated between \$1,091 and an unspecified upper amount, which was below the cap required for approval. The town still has a \$5 million grant secured for the project, and the district boundaries remain unchanged.

Several residents asked questions during the hearing:

- Regarding timeline: It was estimated the project could be completed within 3 years, with engineering work this summer, bidding to follow, and construction possibly starting in spring 2027.
- Water source: The water will be drawn from Lake Chautauqua through the CUD water treatment plant and distributed from the 8-inch main at Mandolin Ridge.
- Installation details: The water lines would likely be placed in the highway right-of-way, at least 5 feet underground, and mostly horizontally bored. Fire hydrants would be placed every 800 feet.

- Property connections: The cost to connect from the main line to individual houses would vary significantly depending on distance, obstacles, and materials used (copper vs. PVC).
- Easements: The project will require obtaining easements from property owners, which could potentially extend the timeline if difficulties arise.
- District boundaries: It was explained that district boundaries follow property lines for simplicity, which is why some areas extend into wooded areas.

Motion made by Councilman, Thomas Carlson to close the hearing at 5:12p.m.

Second: Councilman Scott Cummings

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

Carried

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND FINDING IT TO BE IN THE PUBLIC INTEREST TO ESTABLISH A WATER DISTRICT IN THE TOWN OF CHAUTAUQUA, CHAUTAUQUA COUNTY, NEW YORK, TO BE KNOWN AS WATER DISTRICT NO. 5.

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 Water District in said Town, to be known as the Water District No. 5, and a plan and report in connection therewith; and

WHEREAS, said map, plan, and report, including an estimate of the cost, were prepared by Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost, and Square Engineering has now prepared an addendum to said map, plan, and report with updated cost estimates, which addendum is also on file in the office of the Town Clerk; and

WHEREAS, the Town Board previously called a public hearing on the proposed establishment of Water District No. 5, which hearing was duly held, and the Town thereafter submitted the proposed district to the Office of the New York State Comptroller for approval pursuant to Town Law; and

WHEREAS, during the period of the Comptroller's review, the Town successfully negotiated a lower wholesale water purchase rate with the Chautauqua Utility District, thereby reducing the estimated cost to the typical one- or two-family home below the threshold that would require further approval by the State Comptroller; and

WHEREAS, the Town's bond counsel has recommended that the Town Board re-notice and re-hold the public hearing on the establishment of Water District No. 5 with the updated, lower cost estimates in order to provide the most current information to the public and to establish a clear record for financing; and

WHEREAS, the estimated cost of said District to the typical one- or two-family home therein is estimated to be between \$1,091 in the first year in which operation, maintenance, debt service, and other charges and expenses are to be paid, depending on the project's final grant and loan funding package, and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of hook-up fees and first-year costs to the typical property has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, the cost of the improvements and the establishment of said District, together with the expenses of operation and maintenance, shall be assessed, levied, and collected on a benefit basis pursuant to Town Law § 202(3) and § 202-a, in just proportion to the amount of benefit which the improvements confer upon each lot or parcel of land within the district, as determined by the Town Board; and

WHEREAS, said capital project for said District and the establishment thereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects, and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal business hours; and

WHEREAS, an order was duly adopted by said Town Board on January 14, 2026, reciting a description of the boundaries of said proposed the Water District No. 5, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said petition, map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 27th day of January, 2026, at 5:00 o'clock P.M., local time, at the Chautauqua Community Building, in Chautauqua, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Water District No. 5 and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;
- b) All the property and property owners within said proposed Water District No. 5, as described in the preambles hereof, are benefited thereby;
- c) All the property and property owners benefited are included within the limits of said proposed Water District No. 5; and
- d) The establishment of said proposed Water District No. 5 is in the public interest.

Section 2. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Motion made by Councilman, Kenneth Burnett **Second:** Councilman Leroy Parker

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

Carried

**A RESOLUTION APPROVING THE ESTABLISHMENT OF WATER DISTRICT NO. 5
AND THE IMPROVEMENTS IN CONNECTION THEREWITH.**

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 Water District in said Town, to be known as Water District No. 5, and a plan and report in connection therewith; and

WHEREAS, said map, plan, and report, including an estimate of the cost, were prepared by Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost, and Square Engineering has now prepared an addendum to said map, plan, and report with updated cost estimates, which addendum is also on file in the office of the Town Clerk; and

WHEREAS, the Town Board previously called a public hearing on the proposed establishment of Water District No. 5, which hearing was duly held, and the Town thereafter submitted the proposed district to the Office of the New York State Comptroller for approval pursuant to Town Law; and

WHEREAS, during the period of the Comptroller's review, the Town successfully negotiated a lower wholesale water purchase rate with the Chautauqua Utility District, thereby reducing the estimated cost to the typical one- or two-family home below the threshold that would require further approval by the State Comptroller; and

WHEREAS, the Town's bond counsel has recommended that the Town Board re-notice and re-hold the public hearing on the establishment of Water District No. 5 with the updated, lower cost estimates in order to provide the most current information to the public and to establish a clear record for financing; and

WHEREAS, the estimated cost of said District to the typical one- or two-family home therein is estimated to be between \$1,091 in the first year in which operation, maintenance, debt service, and other charges and expenses are to be paid, depending on the project's final grant and loan funding package, and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of hook-up fees and first-year costs to the typical property has been filed in the office of the Town Clerk at 2 Academy Street in Mayville, New York where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, said capital project for said District and the establishment thereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects, and a Short Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal business hours; and

WHEREAS, an order was duly adopted by said Town Board on January 14, 2026, reciting a description of the boundaries of said proposed the Water District No. 5, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said petition, map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 27th day of January, 2026, at 5:00 o'clock P.M., local time, at the Chautauqua Community Building, in Chautauqua, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Water District No. 5 and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; and

WHEREAS, said Town Board has adopted a resolution on January 27, 2026 making the findings and determinations required pursuant to Section 209-e(1) of the Town Law;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Chautauqua, Chautauqua County, New York, as follows:

Section 1. The establishment of Water District No. 5 in the Town of Chautauqua, Chautauqua County, New York, to be bounded and described as hereafter set forth, and the improvements proposed therefor consisting of the installation of approximately 28,000 linear feet of 4" and 8" water main, including original furnishings,

equipment, machinery, apparatus, valves, hydrants, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$9,312,000, is hereby approved.

Section 2. The cost of the improvements and the establishment of the said Water District, together with the expenses of operation and maintenance, shall be assessed, levied, and collected on a benefit basis pursuant to Town Law § 202(3) and § 202-a, in just proportion to the amount of benefit which the improvements confer upon each lot or parcel of land within the district, as determined by the Town Board.

Section 3. Said District shall be bounded and described as set forth in Exhibit A attached hereto and hereby made a part hereof.

Section 4. The Town Clerk shall, within ten (10) days after this resolution takes effect, being the date thirty days from the date hereof should no petition for referendum be filed relating hereto, file certified copies of this resolution in duplicate in the office of the State Department of Audit and Control at Albany, New York.

Section 5. This resolution is adopted subject to permissive referendum in accordance with Section 209-e(3) of the Town Law, and establishment of said District is not subject to the approval of the State Comptroller pursuant to Section 209-f of the Town Law.

Exhibit A

Boundaries of Proposed
Water District No. 5 in the
Town of Chautauqua, Chautauqua County, New York

Water District No.5, situated in the Town of Chautauqua, County of Chautauqua, State of New York, being particularly 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Motion made by Councilman, Scott Cummings **Second:** Councilman Leroy Parker

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

Carried

Salary Schedule- Amendments

The bookkeeper noted there was a discrepancy in the previously approved salary schedule as it did not correlate with the approved budgeted amounts that included certain raises and contracts acquired later in 2025. The following amendments were provided to the Board for review..

A1355.1	Assessor Clerk	\$48,600.00	Change to: \$50,058.00
A1355.1	Assessor	\$28,840.00	Change to: \$40,840.00
A3620.1	Code Officer (Rick)	\$28.84/hr	Change to: \$30.90/hr
B4020.1	District 654 Registrar	\$824.00	Change to: \$1,000.00
B4020.1	Deputy Registrar	\$824.00	Change to: \$1,000.00

Motion made by Councilman, Scott Cummings approving the amendments as presented.

Second: Councilman Thomas Carlson

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

Carried

Non- Agenda Items:

Christine Kibbe, Director of Operations at the Rock Church in Lakewood, presented a proposal to use the town's gymnasium (referred to as the "gymnatorium") for church services. She provided background information on the Rock Church which has existed for 11 years with approximately 500 members. Their current building in Lakewood is becoming crowded, and many of their members come from the North County areas including Sherman, Ripley, and Westfield. They're looking to establish a north campus rather than expand their current facility. The church would like to begin services on Easter Sunday, initially with one 10 AM service, using livestream technology to broadcast from Lakewood. They plan to bring temporary signage rather than permanent building signs and intend to use the facility only on Sundays.

Board members discussed logistics including chair availability (approximately 120-130 chairs available), parking arrangements, and bathroom access. It was noted that a formal lease agreement would be needed, similar to other tenants. The board expressed general optimism about the proposal but indicated that final approval would depend on discussions with the county, which would occur at an upcoming meeting.

Motion made by Councilman Thomas Carlson to adjourn the special meeting at 5:27 p.m.

Second: Councilman Leroy Parker

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

Carried

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua