

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

Others Present: Greg Bacon(Post-Journal), Marty Proctor(Cnty. Legislator), Joan Hicks, Karen Engstrom, Sandralee & Jeff Wagner, John Penhollow, Nancy Smith, Mark Smith, Sharon Smead, and Laura Marsala

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

Motion made by Councilman, Scott Cummings to approve the minutes of 5/13/26 as written.

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

Public Comment:

Karen Engstrom addressed the Board regarding industrial wind projects and law development. She distributed printed materials emphasizing the importance of protective setback standards, noting that some New York towns have succeeded in protecting their communities from industrial wind development through laws requiring setbacks of up to six times the turbine height. She cited the Town of Pomfret as one example and encouraged the Board to ensure this data reaches the consulting firm responsible for drafting the Town's wind law.

Joan Hicks expressed continued disapproval regarding the Sunset View development, specifically objecting to the placement of villas directly in front of existing properties and condos in close proximity.

Department Reports:

Town Clerk report was submitted and filed. Fees collected for May totaled \$9,641.74 and disbursed as follows: Supervisor-A Fund: \$8,947.28 B Fund: \$100.00, SS1 Fund: \$3,543.39, SW2 Fund: \$660.00, SW3 Fund: \$1,670.77, NYS DEC license sales: \$308.96, NYS Animal Population Control program: \$93.00, Dept. of Health \$292.50. 13 Marriage licenses issued, 12 record requests completed, June dog license renewals mailed along with 2nd reminder notices for all expired licenses. Penalties posted and reminders mailed for 1st quarter unpaid water and sewer bills. Jessica passed her notary exam so the office will now have two commissioned Notaries. All Town Departments will be closed on Friday, June 19th and Friday, July 3rd in observance of Juneteenth and Independence Day.

Code/Zoning report submitted and filed. Code Officer Watson reported on issuing 18 permits in May with a project value of \$911,119.49 and closing 15 with a project value of \$1,791,800.00.

There were 6 violations issued and 5 fire safety/food truck inspections.

The Zoning Board issued 2 variances in May and have 2 cases scheduled for their June 16th meeting.

Mr. Watson reported that the **Beaujean Road** matter has been fully resolved. The file was archived with the Clerk, violation clearances were delivered to the Town Attorney, and only the contractor

voucher payment remains. The Board acknowledged the significant effort that went into resolving the Beaujean Road matter, with special recognition of Judge Hanlon's role in the final decision.

Highway report submitted and filed. Superintendent Sanden reported hauling blacktop for Ripley 3 days, fixed plow turn around on Hannum Rd., mowed roadsides, ditched on upper Haight Rd. installing 40' of pipe for a new driveway, started skid patching and cleaned up branches and debris around Town from storms and installed new drain line on Canterbury Dr.,

Water Dept. Flushed hydrants in Water District 3 and 4 and read meters for a total of 10 hrs/2 guys.

Superintendent Sanden also requested Board permission to piggyback off the Town of Goshen (Orange County) contract to pilot a new road rejuvenation product on one mile of road. The product is sprayed on and allowed to dry and is estimated to cost approximately half the price of oil and stone. The company has been in business for approximately 30 years and will be working in the region on projects in the Town of Eden and the Village of Springville. The Board expressed support for the trial, viewing it as a sensible, cost-effective experiment.

Assessor's report was submitted and filed with the Clerk's office. Grievance Day for the 2026 assessment roll was held on Wednesday, May 27, 2026. Hearings were scheduled by appointment and took place in-person. All other property owners presenting a grievance form to the Assessor's office on or before May 27th that did not have an appointment, were reviewed as a mail-in by the Board of Assessment Review.

Committee Reports:

Supervisor Emhardt compared the cost of past curbside pickups with the current resident drop-off system for spring cleanup. In 2023, curbside pickup cost about \$24,112 and required 49 landfill trips. By 2025, using dumpsters at the highway department lowered costs to roughly \$12,143, saving about \$12,000. Councilman Tom Carlson remarked that this saving might not be significant for the Town of Chautauqua; however, the information was recorded.

Code/Zoning Updates

Councilman Scott Cummings inquired about the status of the contract with Wendell (the consulting firm engaged for the code and zoning update). Town Attorney Joel Seachrist reported that he had emailed the firm's contact, Nina Ballou, approximately a week after the last meeting and received a response indicating the contract is being worked on, though no final contract has been received. Attorney Seachrist noted he has a meeting with them at another location the following evening and committed to raising the matter directly. The Board reiterated that the Code & Zoning Update Committee did not feel it could formally be convened until the contract is in place.

Attorney Seachrist also reported ongoing discussion with the firm about the possibility of extracting wind, solar, and battery energy regulations from the zoning code and treating them as separate, standalone laws. The Board expressed support for this approach, noting it would provide greater control and a stronger legal position in the event of a use variance challenge.

Agenda:

Set Pay Rate- Setting 2026 Pay Rate for Seasonal Employees

The Board discussed the seasonal pay rate for the Mobitrac Lake cleanup crew. The returning crew consists of two new employees, one second-year returning employee, and one third-year returning employee. The proposed range of \$17.00 to \$19.00 per hour was presented, consistent with the 2025

rate of \$18.00 per hour, with a \$0.50 per hour increment for each returning year of service. It was noted that wages are fully covered by a grant through the Lake and Watershed Management Alliance. **RESOLVED** The Town Supervisor is authorized to determine pay rates for seasonal employees within the \$17-\$19/hour range, accounting for experience and specific job responsibilities.

Motion made 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

Membership Renewal- Chautauqua Lake and Watershed Management Alliance

Supervisor Emhardt introduced the annual renewal for the Chautauqua Lake and Watershed Management Alliance (CLWMA) membership, affirming it is included in the budget. This partnership has generated approximately \$150,000 in grants for the Town this year, supporting projects such as roadside swales, culverts, and lake health initiatives, emphasizing its significant value and positive impact on the community's environmental projects.

RESOLVED to renew the Town's Tier 2 annual membership With CLWMA for \$2,000.00.

Motion made by Councilman, Thomas Carlson **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

Tree Board- Appointment of Members

The Board reviewed the list of six(6) members recommended by Laura Marsala to serve on the Town of Chautauqua Tree Board. This list included each member's credentials and expertise that would benefit the perspective board and community. Laura noted that the Board may include up to 12 members and it would be beneficial to include a Board member from the Town as well as someone from the maintenance. Councilman Carlson expressed his interest in joining and was added to the motion by amendment.

RESOLVED to appoint the following to serve on the Town of Chautauqua Tree Board:

Laura Marsala; Sharon Smead; Jon Ortendahl; Dominic Liberatore; Jim Cricks; Shannon Bieckark; and Tom Carlson.

Motion made 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

Local Law 3, 4 and 5 of 2026- Set Public Hearings for Moratorium Extensions

Local Laws 3, 4 and 5 were presented to the Board. These laws would extend the existing moratoriums on Wind Energy Conversion Systems, Battery Energy Storage Systems and Commercial Solar Energy Facilities. Councilman Carlson inquired about the length of these moratoriums and the legalities. Attorney Seachrst stated that with the recent adoption of the Town's comprehensive plan

leading to the revision of the Town's Zoning Code, the extensions were justified. However, the Board should consider removing these items from the zoning section of the Town Code and have them as a stand-alone law. This can be reviewed and discussed with the consultant, Wendel.

RESOLVED to schedule public hearings for the extension of existing moratoriums. The hearings will take place on Wednesday, July 8, 2026, as follows:

Local Law 3 of 2026: Extending Moratorium for Wind Energy Conversion Systems at 7:15pm

Local Law 4 of 2026: Extending Moratorium for Battery Energy Storage Systems at 7:20pm

Local Law 5 of 2026: Extending Moratorium for Commercial Solar Energy Facilities at 7:25pm

Motion made 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:

Karen Engstrom inquired about the duration of the moratoriums and was advised they are all one year in length.

The board received a request to allocate funds for a sound system to enhance audibility in the meeting room, acknowledging that the HVAC system adds to the sound challenges. Given the current budget limitations, which may necessitate surpassing the state's two percent cap, adding substantial expenses right now could be challenging but would be taken into consideration.

Jeff Wagner suggested the Board explore borrowing a sound system currently owned by the senior citizens' group at the VFW as an interim solution. The Board acknowledged the suggestion but indicated a permanent in-room solution would be preferable for the benefit of all boards using the space.

Motion made by Councilman Leroy Parker to approve the Supervisor's Report for May.

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 Scott Cummings to approve the vouchers as presented to the board for payment. Abstract #006, Voucher #611-693

Abstract # 006
Deposit of 05/9/2026 – 06/8/2026

Code	Fund	Amount
A	GENERAL FUND – TOWNWIDE	152,593.52
B	GENERAL FUND – OUTSIDE VILLAGE	16,854.53
DA	HIGHWAY FUND – TOWNWIDE	27,379.92
DB	HIGHWAY FUND – OUTSIDE VILLAGE	58,447.77
H3	WATER DISTRICT 2 -PT CHAUTAUQUA EXT.	9,663.56

H4	WATER DISTRICT 2 - SUPPLY/EXTENSION	49,677.25
H5	SEWER DISTRICT 1 -NORTH EXTENSION	11,079.00
H7	WATER DISTRICT 5 -DISTRICT CREATION	3,920.00
SL1	PT CHAUTAUQUA LIGHT DISTRICT	369.07
SL2	DEWITTVILLE LIGHTING DISTRICT	369.11
SL4	BAYBERRY LANDING LIGHTING DIST	23.06
SS1	SEWER DISTRICT 1 CHAUT LAKE ESTATES/VILLAS	669.64
SW1	WATER DISTRICT 2 CHAUT LAKE ESTATES/VILLAS	6,979.48
SW3	WATER DISTRICT 3 CHAUTAUQUA SHORES	26,263.41
SW4	WATER DISTRICT 4 MANDOLIN RIDGE	6,657.88
Total:		370,947.20

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

Motion made by Councilman Scott Cummings to enter executive session at 7:22pm with the Town's attorney to discuss pending litigation.

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 Tom Carlson to end the executive session at 7:46pm

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

No Further discussion or action was taken.

Motion made by Councilman Thomas Carlson to adjourn the regular meeting at 7:47 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

Rebecca Luba, RMC
Town Clerk
Town of Chautauqua