

**Present:** Supervisor Donald Emhardt, Councilmen Kenneth Burnett, Al Akin, Thomas Carlson and Scott Cummings. Zoning Clerk, Elizabeth Steinbach, Town Clerk, Rebecca Luba, Deputy Clerk, Jess Emhardt, and Town Attorney, Joel Seachrist

**Others Present:** Sign in sheet attached at end of minutes

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 as presented for the regular meeting held June 13, 2022.

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

**Public Comments:**

Ryan Schoelerman inquired about the millings pile on W. Lake Rd. adjacent to Iron Works. The Board explained that this was originally initiated by the State project on Rte 394 when they gave permission to the contractor to dump the milling in their current locations. Conversations with the property owner and 3<sup>rd</sup> party managing the site indicated this pile would be cleaned up by October 2021 which was delayed due to illness. The Town was told they are in the process of removing it. The pile was currently reground due to hardening but nothing new has been added.

Mr. Schoelerman and Karen Engstrom informed the Board that this was not the case in which they both observed 4 new loads brought in on or around June 27<sup>th</sup>.

**Motion** made by Councilman Al Akin to have the Town's attorney send a letter to both the property owner and contractor ordering the pile removed no later than September 30, 2022.

**Second:** Councilman Thomas Carlson

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

Richard Reiser spoke on behalf of the Chautauqua Property Owner's Association inquiring about the powers of the Town Constables in the Institution and why they are not part of the emergency 911 system.

Councilman Akin explained the reason for the change in the department and their use of the 911 system. In the past, the Institution's Police Department was deputized by the County Sheriff's office. In 2016, according to the NYS Sheriff's Association, a policy change removed this authority which also resulted in the department being removed from the emergency radio system. The Institution requested the Town to establish the Office of Town Constabulary appointing all staff of the department as Town Constables so that they would be able to continue their current operations and get back on the emergency radio system. It was later found that only as an established policing department would they be able to continue as they were. The Town created a committee to work with the institution on an agreement in which the Town would establish a Town Police Department. This process has fallen flat due to staffing issues in the Institutions security department. Attorney

Seachrist stated he would email Mr. Reiser more information on Town Constables along with the section of Criminal Procedure Law defining their duties.

### **Departmental Reports:**

Town Clerk report was submitted and filed. Fees collected for June totaled \$5,166.56 and disbursed as follows:

Supervisor-A Fund: \$4,363.12 B Fund: \$200.00, SS1 Fund: \$407.06, SW3 Fund 955.10 NYS DEC license sales: \$420.44, NYS Animal Population Control program: \$113.00, Dept. of Health 270.00. 12 Marriage licenses were issued, and 35 record requests completed. Quarterly billing for Sewer Dist. 1 and Water Dist. 3 were mailed June 30<sup>th</sup>. Current lease for mail meter expired. New 5-year lease was negotiated with Lineage. New meter will be installed end of June. A 3<sup>rd</sup> party was obtained to mail Town/County tax bills locking in a lower postage rate before the July 10<sup>th</sup> increase. New bills will be printed on perforated paper, barcoded and will run through a double address verification process making collection more efficient for both the taxpayer and collector.

Code/Zoning Office reported and on file. A total of 16 building permits were issued , 12 Town and 4 Village, with total project value of \$276,490.00 and 59 Certificates of Completion issued with project values totaling \$2,551,757.00.

There were 3 zoning cases for the Town. An application to modify an existing Special Use Permit to expand a gravel pit was tabled to August. Two variances were granted for a storage building and deck addition in the Residential-Lakeside district. One application was referred to the Village of Mayville requiring variances for a house addition in the R3 Lakeside District.

Highway report submitted and on file. Entrance of Point Chautauqua (Leet Ave.) and shoulders were blacktopped as well as shoulders on Potter Rd. Mowing roadsides and Ditching on Elm Flat and Burdick Rd. Chip sealing 15 miles of road.

Assessor's report was submitted and filed with the Clerk's office. Final Assessment roll for 2022 is complete and has been submitted to Chautauqua County and New York State Office of Real Property Tax Services.

### **Agenda:**

#### **Water District 4 Extension- Petitions**

Petitions were submitted by residents requesting municipal water to be extended from Water District 4(Mandolin Ridge) to the Village line servicing approximately 200 residences. To date, 108 signatures have been obtained in favor of the extension. The Board agreed to move forward with obtaining a map, plan and report to check the feasibility of an extension to this area. Residents in attendance were encouraged to obtain more signatures in the meantime. No action of the Board required at this time.

#### **Local Law 3-2022- Mobile Food Vendors**

**Motion** made by Councilman Scott Cummings to open the public hearing at 7:22 p.m.

**Second:** Councilman Thomas Carlson

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

The Board discussed the law as presented. Councilman Cummings stated there was discussion at the Village Board meeting of the Village and Town permits either being reciprocal of one another or possibly waiving the license fee if one was already paid to the Village or vice versa. He inquired whether it would be better to leave the specific fee amount out of the law altogether with a general statement that the fee will be set by Town resolution. Attorney Seachrist stated that the wording in the law, as written, does enable the Board to change fees from time to time in which this stipulation could be included.

No further comment was made by the Board or public.

**Motion** made by Councilman Kenneth Burnett to close the public hearing at 7:32 p.m.

**Second:** Councilman Al Akin

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

### Local Law 3 of 2022

Be it enacted by the Town of Board of the Town of Chautauqua, County of Chautauqua, and State of New York, as follows:

### **SECTION 1. AUTHORITY**

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

### **SECTION 2.**

A new Chapter 133 is hereby inserted into the Town of Chautauqua Code, which shall provide as follows:

### **Chapter 133 Mobile Food Vendors**

|          |   |
|----------|---|
| § 133-1  | Title                                     |
| § 133-2  | Purpose                                   |
| § 133-3  | Definitions                               |
| § 133-4  | General provisions                        |
| § 133-5  | Approved locations                        |
| § 133-6  | License required; application; conditions |
| § 133-7  | Conditions of operation                   |
| § 133-8  | Compliance with other regulations         |
| § 133-9  | Penalties for offenses                    |
| § 133-10 | Hardship                                  |

#### **§ 133-1 Title.**

This Chapter shall be known as the “Law to Regulate Mobile Food Vendors.”

**§ 133-2 Purpose.**

It is the purpose of this Chapter to protect the health, safety, welfare, and environment of the residents and property owners of the Town of Chautauqua. This section regulates the mobile food vendor industry and use and operation of mobile food vehicles within the Town of Chautauqua. The purpose of this regulation is to balance the potential impact on neighbors when Mobile Food Vehicles are in use and to protect other commercial businesses within the Town of Chautauqua.

**§ 133-3 Definitions.**

For purposes of this Chapter, the following terms shall have the meanings indicated:

**MOBILE FOOD VEHICLE**

A self-contained cart, trailer, or motorized vehicle in which ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution.

**MOBILE FOOD VENDOR**

The owner of a mobile food vehicle or the owner's agent.

**§ 133-4 General provisions.**

- A. It shall be unlawful for any person to operate a mobile food vehicle within the Town of Chautauqua outside the Village of Mayville without first having obtained a valid mobile food vending license from the Town of Chautauqua as prescribed in this Chapter.
- B. It shall be unlawful for any person to operate a mobile food vehicle within the public rights-of-way or on public property anywhere within the Town of Chautauqua, except as permitted herein.

**§ 133-5 Approved locations.**

- A. A mobile food vendor may operate anywhere in the Town of Chautauqua outside the Village of Mayville except for the following:

(1) Adjacent to or within a radius of 100 feet of the nearest edge of any parcel on which is located a licensed food establishment, the kitchen of which is open for serving food to patrons. This requirement may be waived if the proprietor of the adjacent food establishment gives written consent, and such consent is visibly displayed within the mobile food vehicle.

(2) In any location that conflicts with any parking and vehicle and traffic laws, ordinances, rules and regulations of the State of New York, County of Chautauqua, and Town of Chautauqua.

(3) On any private property, unless the owner of such property gives written consent, and such consent is visibly displayed within the mobile food vehicle.

**§ 133-6 License required; application; conditions.**

- A. Any person desiring to operate a mobile food vehicle shall make a written application for such license to the Code Enforcement Officer, on forms provided, which shall include the following:

(1) Name, signature and address of each applicant and each corporate officer of the mobile food vehicle vending corporation.

(2) A valid copy of all necessary licenses, permits or certificates required by the County of Chautauqua, the State of New York or any subsidiary enforcement agencies or departments thereof, including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators.

(3) A signed statement that the vendor shall hold harmless the Town and its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

(4) Insurance.

(a) The vendor shall furnish a certificate of insurance evidencing that the vendor possesses and maintains such public liability, food products liability, and damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence. The policy shall further provide that it may not be canceled except upon 30 days' written notice served upon the Town of Chautauqua. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Town of Chautauqua.

(b) In addition to the above-required certificate of insurance, the vendor shall also endorse, maintain and include the Town as an additional named insured on its underlying business commercial general liability policy.

B. Code Inspection. The Code Enforcement Officer will conduct a fire safety inspection of the mobile food vehicle as part of the process of issuing or renewing a mobile food vendor license.

C. Fee. The fee for a mobile food vendor license shall be \$100.00 per year, which amount may be adjusted from time to time by the Town Board. All vendors holding a license that has been revoked or permitted to lapse shall pay a renewal fee as set by the Town Board.

D. Conditions of License.

(a) A mobile food vendor license shall expire on January 1 of each year.

(b) A license shall not be transferable.

(c) Each license is valid only for the particular vehicle for which it was issued.

**§ 133-7 Conditions of operation.**

A. If operating on private property, the vendor must obtain and display in or on the vehicle evidence of permission granted by the owner of the property, in writing, specifying the days, times and specific location(s) for which permission has been granted.

B. Mobile food vehicles with a valid mobile food vending license may be operated by the vendor during hours as approved by the property owner.

(1) However, vendors may not operate mobile food vehicles:

(a) Before 9:00 a.m.; or

(b) After 9:00 p.m., Sunday through Thursday; or

(c) After 10:00 p.m. on Friday and Saturday for events open to the public or after midnight for private events.

C. All signage must be permanently affixed to the mobile food vehicle except each vehicle may use one sandwich board sign no larger than six square feet per side.

D. All mobile food vehicles must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris.

E. No alcohol may be sold or dispensed from mobile food vehicles.

**§ 133-8 Compliance with other regulations.**

- A. The owner/operator of any mobile food vehicle licensed by the Town of Chautauqua shall comply with all provisions of federal, state, and local laws and ordinances.
- B. The owner/operator of any mobile food vehicle licensed by the Town of Chautauqua shall comply with all notices, orders, decisions and rules and regulations made by the Code Enforcement Office, the Chautauqua County Sheriff's Office, the Chautauqua County Health Department, or any other Town of Chautauqua department and/or agency.

**§ 133-9 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punished by a fine not to exceed \$250 per violation.
- B. Closure for operation without license. Any mobile food vehicle operating without the required Town of Chautauqua license shall be immediately closed by order of the Town of Chautauqua. Every day of operation without a license shall constitute a separate violation and shall be punishable by a fine of \$250 per violation.

**§ 133-10. Hardship.**

Should any person affected by this Chapter suffer an unnecessary hardship in the carrying out of the strict letter of this chapter, such person may apply to the Town of Chautauqua Board in writing for a variance from strict compliance with this Chapter, with proof of such unnecessary hardship. For the purposes of this Chapter, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a permit.

**SECTION 3.**

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

**SECTION 4.**

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Motion** made by Councilman Scott Cummings to adopt Local Law 3 of 2022 as presented.

**Second:** Councilman Al Akin

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

**Assessment- Assessor Agreement**

The annual assessment agreement with the Town of Ellery expired June 30, 2022. A renewal agreement was reviewed by the Board with no increase.

**Motion** made by Councilman Al Akin authorizing the Town Supervisor to execute the agreement with Ellery for Shared Assessment Services.

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye

Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

### **CLWMA- Annual Membership**

The annual membership request was received by the Chautauqua Lake & Watershed Management Alliance. Randall Perry was present to thank the Board for their continued support and reviewed the past year of benefits and grants awarded through CLWMA.

**Motion** made by Councilman Thomas Carlson to continue the Town's membership and pay the annual membership fee of \$2,000.00 for Tier 2 membership

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

### **Resolution- Culvert Assessment Project**

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

**WHEREAS**, the Town of Chautauqua (Town) and the Chautauqua Lake and Watershed Management Alliance (Alliance) are partnering to complete a stream culvert assessments project at two locations in the Town within the Chautauqua Lake Watershed that will have a positive impact on the environmental health of Chautauqua Lake; and

**WHEREAS**, the 2022 Consolidated Funding Application includes New York State (NYS) Department of Environmental Conservation (DEC) Non-Agricultural Nonpoint Source Planning Grant (NPG) program grant opportunities for water quality projects that require local matching funds as cash and/or in-kind service in the amount of at least 10% of the grant amount; and

**WHEREAS**, the total eligible project costs have been identified at \$33,000 resulting in planned NPG requested funding of \$30,000, and planned local match in the form of cash of \$3,000; and

**WHEREAS**, the Alliance is expected to commit \$1,500 in cash towards the required local match pending approval of its Board of Directors; therefore be it

**RESOLVED**, that the Town of Chautauqua will act as the primary grant applicant and authorizes a grant submission to the NPG grant program for the Town of Chautauqua Stream Culvert Assessments Project and if awarded, commits to providing \$1,500 cash toward the required local match, and if the grant is successful, that the Town Supervisor is authorized to execute the State Assistance Contract, submit project documentation, and act in all matters related to Project and state funding assistance

**Motion** made by Councilman Scott Cummings

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye

Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

### **Resolution- - Culvert Assessment Project SEQRA**

**WHEREAS**, as a condition of receiving funding through the New York State Department of Environmental Conservation (NYS DEC) Non-Agricultural Nonpoint Source Planning Grant (NPG) program, the Town of Chautauqua shall evaluate and declare its findings or determinations regarding the proposed Town of Chautauqua Stream Culvert Assessments Project under the New York State Environmental Quality Review (SEQR) Act; and

**WHEREAS**, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review (SEQR) Act provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; therefore, be it

**RESOLVED** that the Town Board of the Town of Chautauqua, in the County of Chautauqua, hereby determines that the proposed Town of Chautauqua Stream Culvert Assessments Project, which constitutes the assessment by an engineer of stream culverts that may be in need of repair or replacement but does not commit the Town to undertake, fund, or approve any particular action that may constitute a Type I or Unlisted action, is a Type II action in accordance with 6 NYCRR Section 617.5(c)(24) and is therefore not subject to review under 6 NYCRR Part 617

**Motion** made by Councilman Thomas Carlson

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

### **Resolution- - Comprehensive Plan Grant Submission**

**WHEREAS**, the Town of Chautauqua (Town) approves the submittal of an application with the Village of Mayville (Village) to the Consolidated Funding Application (CFA) for a Smart Growth Comprehensive Plan Project (Project); and

**WHEREAS**, the Town understands that entering an agreement with the Village to develop a Joint Comprehensive Plan will encourage inter-municipal collaboration; and

**WHEREAS**, the Town understands that a Comprehensive Plan developed through the Smart Growth Community Planning and Zoning Program should contain strategies/projects that are consistent with Smart Growth Principles; and

**WHEREAS**, the Department of State, pursuant to Smart Growth Community Planning and Zoning Program, requires an applicant to fund up to 10% of the total project cost; and



**WHEREAS**, the total 10% local funding match as required by Department of State, pursuant to the Smart Growth Community Planning and Zoning Program, will be split evenly between the Town and Village; and

**WHEREAS**, the Town will commit 5% of the total project cost, pursuant to the Smart Growth Community Planning and Zoning Program, in cash and in kind services;

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, that the Town of Chautauqua Supervisor is authorized to submit all required documentation for the Grant Application and, if awarded, execute the Grant Agreement with the New York State Department of State and any and all other contracts and documents necessary to bring about the Project; and that the Town of Chautauqua Supervisor to is authorized to coordinate with the Village fulfill the Town's obligations under the Department of State's Smart Growth Comprehensive Planning Grant Application and Agreement.

**Motion** made by Councilman Scott Cummings

**Second:** Councilman Al Akin

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

### **Resolution- - Sewer Dist. 1 Extension 1 North WQIP Grant Submission**

**Whereas**, the Town of Chautauqua projects to extend sewer infrastructure to replace failing septic systems on the northeast side of Chautauqua lake,

**Whereas**, Sewer District 1 Extension 1 North was established on August 31, 2018 to extend public sewers to serve 90+/- homes with the installation of grinder pump/pressure sewer collection to being conveyed to the North Chautauqua Lake Sewer District wastewater treatment plant;

**Whereas**, the New York State Department of Environmental Conservation (NYSDEC) is currently offering \$4 million in Water Quality Improvement Program (WQIP) grants for projects through the Consolidated Funding Application (CFA)

**Whereas**, in accordance with the WQIP grant requirements, the Town has retained Ramboll for the engineering and design of the extension through an agreement executed on May 10, 2022

**Now, Therefore, Be It Resolved**, the Town Board agrees to expend up to \$1,000,000.00(One Million Dollars) to meet the 25% match requirement for the WQIP grant; and

**Be it Further Resolved**, the Town Board authorizes Ramboll to prepare and submit an application to NYSDEC for WQIP grant funding and all required supporting documentation for the SD-1-E1N project.

**Motion** made by Councilman Al Akin

**Second:** Councilman Kenneth Burnett

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

Councilman Al Akin - Aye  
**Carried**

**Resolution- - Sewer Dist. 1 South Extension EPG Grant Submission**

**WHEREAS**, The Town is evaluating the feasibility to provide sewage collection and treatment to the Town of Chautauqua eastern lakeshore area between Sewer District 1 and Town line;

**WHEREAS**, Sewer District 1 Extension 1 North was established on August 31, 2018 to extend the boundaries of the Town's existing Sewer District No. 1 and the Town would establish Sewer District 1 South if determined to be feasible

**WHEREAS**, NYS has announced another round of Engineering Planning Grant (EPG) opportunities;

**WHEREAS**, the Town is eligible for award up to \$50k to evaluate the potential for providing sewage collection and treatment for the lakeshore area from existing SD1 south boundary to the Town Line;

**WHEREAS**, if awarded funding, the Town would procure engineering services to perform the evaluation;

**RESOLVED**, the Town Board authorizes Ramboll to prepare the Consolidated Funding Application (CFA) and submit an EPG application on behalf of the Town of Chautauqua; and

**BE IT FURTHER RESOLVED**, to expend \$10,000.00 to meet the 20% match requirement for the EPG grant

**Motion** made by Councilman Scott Cummings

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

**Engineering Proposal- Map, Plan, Report for Point Chautauqua Water**

**Whereas**, petitions were submitted by residents of Point Chautauqua requesting public water to be extended from the Town of Chautauqua Water District 2,

**Whereas**, a Map and Plan Report dated May 5, 2017, was obtained from Ramboll (f/k/a O'Brien & Gere) in which estimated costs to extend the current district exceeded the NYS Comptrollers cost threshold for water districts,

**Whereas**, the Water Supply Project for Water District 2 extended the current boundaries past Point Chautauqua to encompass the water wells that will serve the district,

**Whereas**, Point Chautauqua is now part of a benefit district established on April 11, 2022 that extended the boundaries of Water District 2

**Whereas**, the Town requested an updated map plan and report from Ramboll to check the feasibility of continuing the extension of public water to service the point Chautauqua area,

**Now, Therefore, Be It Resolved**, that the Town Board approves the expenditure, not to exceed \$7,000, authorizing the town supervisor to execute an agreement an agreement with Ramboll to update the map and plan report extending water to Point Chautauqua,

**Be it Further Resolved**, that this resolution is determined to be subject to permissive referendum as provided by General Municipal Law §6-c and Town Law §§90 to 94, and shall not take effect until thirty (30) days from the date hereof pursuant to Town Law §91, and that no expenditure shall be made prior to expiration of said 30 day period, and that no expenditure shall take place after said period if a Petition has been duly filed pursuant to Town Law §91 with further action of this Board.

**Motion** made by Councilman Scott Cummings

**Second:** Councilman Al Akin

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Abstained  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

**Set Public Hearing- Water District 2 Bond Resolution**

Bond information in currently being prepared for the Water Source Project for Water District 2 and requires a public hearing.

**Motion** made by Councilman Scott Cummings to set the hearing for August 8, 2022 at 7:15p.m.

**Second:** Councilman Thomas Carlson

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Kenneth Burnett – Aye  
Councilman Al Akin - Aye

**Carried**

**Motion** made by Councilman Al Akin to approve the Supervisor's Report for June.

**Second:** Councilman Thomas Carlson

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

**Motion** made by Councilman Thomas Carlson to approve the vouchers as presented to the board for payment. Abstract #007, Voucher # 400-464

**Abstract # 006**

**Deposit of 06/15/2022 – 07/31/2022**

| Code | Fund                           | Amount     |
|------|--------------------------------|------------|
| A    | GENERAL FUND – TOWNWIDE        | 35,138.09  |
| B    | GENERAL FUND – OUTSIDE VILLAGE | 858.13     |
| DA   | HIGHWAY FUND – TOWNWIDE        | 15,558.54  |
| DB   | HIGHWAY FUND – OUTSIDE VILLAGE | 392,134.99 |
| H4-  | WATER DISTRICT 2               | 17,897.00  |
| SL1- | PT CHAUTAUQUA LIGHT DISTRICT   | 304.80     |

|      |                                   |           |
|------|-----------------------------------|-----------|
| SL2- | DEWITTVILLE LIGHTING DISTRICT     | 302.42    |
| SL4- | BAYBERRY LANDING LIGHTING DIST    | 18.87     |
| SS1- | CHAUTAUQUA HEIGHTS SEWER DISTRICT | 24,125.96 |
| SW1- | CHAUTAUQUA HEIGHTS WATER DISTRICT | 5,796.90  |
| SW3- | CHAUTAUQUA SHORES WATER DISTRICT  | 21.02     |

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**Total: 492,156.72**

**Second:** Councilman Kenneth Burnett

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

**Motion** made by Councilman Thomas Carlson to adjourn the regular meeting at 8:11 P.M.

**Second:** Councilman Scott Cummings

**Vote:** Supervisor Donald Emhardt – Aye  
Councilman Scott Cummings – Aye  
Councilman Thomas Carlson – Aye  
Councilman Al Akin – Aye  
Councilman Kenneth Burnett – Aye

**Carried**

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Rebecca Luba, RMC  
Town Clerk  
Town of Chautauqua

## BOARD MEETING

## SIGN-IN

Monday July 11, 2022

NAME

ADDRESS

|                  |   |
|------------------|---|
| Richard Bieser   | 28 Emerson Ave, Chautauque                |
| EDWARD PETERS    | 51 LAUNDAY SENEDON AVENUE RD              |
| Shannon Rozner   | 22 Gebbie Ave, Chautauque                 |
| John Penhallur   | 5575 Finner RD, Sinclairville             |
| MICK MANNING     | RANDALL                                   |
| Donna Wolfley    | 6527 Elmwood Ave                          |
| Randall Perry    | Chautauque Lake & Watershed Mgmt Alliance |
| Sandra Wagner    | 70 Lakeview Ave Mayville                  |
| Ryan Schockerman | 6600 Elmwood Ave                          |
| Jeff Wagner      | 70 Lakeview Ave Mayville                  |
| Roy HARVEY       | 5189 W Lake R " "                         |
| MARK Perry       | 6 Pratt " "                               |
| Rick Sipa        | Village Mayville                          |
| Alan Bozer       | 5342 West Lake Rd                         |
| Doug Houser      | 5352 W Lake Rd                            |
| Greg Beem        | Observer / Post-Jul 1                     |
| ROBERT MATSON    | 6521 Elmwood Ave Mayville NY              |
| SHANNA MATSON    | 6521 Elmwood Ave Mayville NY              |
| Richard Fanoff   | 5980 Mill Rd - Ext                        |
| Mark Smith       | 16 Parkside St, Mayville                  |
| HANS WESTPHAL    | 5189 W. Lake RD, Mayville NY              |
| Paul Rankin      | 5120 W. Lake Rd Mayville                  |