

**TOWN OF CHAUTAUQUA
CHAUTAUQUA COUNTY, NEW YORK**

EXTRACT OF MINUTES

A meeting of the Town Board of the Town of Chautauqua, Chautauqua County, New York was convened in public session at the Town Hall located at 2 Academy Street, Mayville, New York on March 11, 2026, at 7:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

Present:

Councilpersons: Scott Cummings
Thomas Carlson
Leroy Parker
Kenneth Burnett

Also present: Rebecca Luba, Town Clerk

* * *

The following order was offered by Councilman, Thomas Carlson and seconded by Councilman, Leroy Parker to wit;

A meeting of the Town Board of the Town of Chautauqua, in the County of Chautauqua, State of New York, was held at the Town Hall, in the Town, on March 11, 2026.

PRESENT:

Hon. Donald Emhardt, Supervisor
Scott Cummings, Councilperson
Thomas Carlson, Councilperson
Leroy Parker , Councilperson
Kenneth Burnett, Councilperson

In the Matter of the Establishment of the Town of Chautauqua Water District No. 5, in the Town of Chautauqua, in the County of Chautauqua, New York, pursuant to Article 12-A of the Town Law.

**FINAL ORDER ESTABLISHING
TOWN OF CHAUTAUQUA WATER DISTRICT NO. 5
MARCH 11, 2026**

WHEREAS, the Town Board of the Town of Chautauqua (herein called “Town Board” and “Town,” respectively), in the County of Chautauqua, New York, has, pursuant to Town Law Article 12-A, caused Barton & Loguidice, D.P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report, dated February 2024 for the establishment of the Town of Chautauqua Water District No. 5 in the Town (the “District”); and

WHEREAS, such map, plan and report was filed on February 26, 2024 at the office of the Town Clerk, and was available for public inspection at said location; and

WHEREAS, the Town Board has previously adopted various orders and resolutions in February and March, 2024 in furtherance of the Project (collectively, the “Prior Resolutions”); and

WHEREAS, an application for the establishment of Water District No. 5 was submitted to the office of the State Comptroller; and

WHEREAS, during the period of the Comptroller’s review, the Town negotiated a lower water purchase rate with the Chautauqua Utility District, reducing the estimated cost to the

typical one or two-family home and putting the project below the threshold for approval by the State Comptroller; and

WHEREAS, Square Engineering prepared an addendum to such map, plan and report dated November 2025; and

WHEREAS, the Town Board decided it was in the best interest of the citizens of the Town to adopt a new Order Calling for Public Hearing on December 10, 2025 to reflect the revised cost to the District; and

WHEREAS, the Town Board adopted a new Order Calling Public Hearing on January 14, 2026 to correct a technical error regarding publication of such Order; and

WHEREAS, the project will generally consist of (but not be limited to) the installation of approximately 28,000 linear feet of water main along various roads in the Town as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including original furnishings, equipment, machinery, apparatus, valves, hydrants, water services, appurtenances, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, the estimated maximum amount proposed to be expended for the Project is estimated to be \$9,312,000; and

WHEREAS, pursuant to the Order duly adopted on January 14, 2026, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of the Project in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's office and is available for public inspection and specifying January 27, 2026, at 5:00 o'clock p.m. (Prevailing Time) or shortly thereafter, as the time when the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted on January 27, 2026, determined that:

a) the notice of public hearing was published and posted as required by law and was otherwise sufficient;

b) all the property and property owners, within the proposed District are benefited thereby;

c) all the property and property owners benefited were included within the limits of the proposed District, and

d) the proposed District benefits the public interest; and

WHEREAS, the Town Board adopted a Resolution Creating the District Subject to Permissive Referendum on January 27, 2026; and

WHEREAS, said resolution adopted on January 27, 2026, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within 30 days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, permission of the State Comptroller is not required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town has filed a certified copy of the Order with the State Comptroller as required by Town Law;

WHEREAS, the Town has previously undertaken an Article 12-A proceeding to create this District in 2024. However, the cost to the typical property was reduced while the project was under review by the Office of the State Comptroller. As a result, the Town has opted to commence a new Article 12-A proceeding to reflect the most recent District cost.

NOW, THEREFORE, be it ORDERED, that the establishment of the District is hereby approved and will be known as the Town of Chautauqua Water District No. 5, situate wholly outside of any incorporated village or city, and is bounded and 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 southwestly 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 southwestly 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.

and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing and the resolution establishing the District, at an estimated maximum cost of \$9,312,000 and that the plan of financing is the issuance of serial bonds in an aggregate principal amount not to exceed \$9,312,000 such amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs for the establishment of the District will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Chautauqua and file with the Department of Audit and Control/Division of Legal Services in Albany, New York copies of this Order, certified by the Town Clerk.

Dated: March 11, 2026

TOWN BOARD OF THE
TOWN OF CHAUTAUQUA

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

AYES: 5

NOES: 0

ABSENT: 0

The foregoing order was thereupon declared duly adopted.

