

STATE OF NEW YORK )  
COUNTY OF CHAUTAUQUA ) SS JANUARY 9, 2024  
TOWN OF ELLERY )

Minutes of the Town of Ellery 2024 Organizational Meeting held Tuesday, January 9, 2024, at the Ellery Town Hall, Sunnyside Avenue, Bemus Point, NY, commencing at 5:30 PM.

PRESENT: Lawrence A. Anderson, Supervisor  
John C. Cresanti, Councilmember  
Mark R. Schlemmer, Councilmember  
Jeremy D. Crist, Councilmember  
David W. Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Anne Golley, Assessor, Zoning Officer  
Jill Colburn, Deputy Town Clerk  
Greg Hallberg, Highway Superintendent  
Neil Robinson, Town Attorney  
Robert Samuelson, Code Enforcement Officer

Supervisor Anderson called the meeting to order at 5:30 PM.

## APPOINTMENTS AND SALARIES

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That the following appointments and salaries be set for 2024:

Records Management Officer – Jill J Braund

Records Management Fee - \$750.00 and \$750.00 (Deputy)

Registrar – Jill J Braund

Registrar Fee - \$1,500.00 and \$1,500.00 (Deputy)

Historian - Cherrie Clark

Historian Fee - \$2,500.00

Official Newspaper - The Post-Journal

Official Bank - M &amp; T Bank

**Organizational Meeting – January 9, 2024 – Continued**

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Town Attorney - Neil M. Robinson

Attorney Fee - \$34,532.00

Workshop Meeting/Date/Time/Place – 2<sup>nd</sup> Tuesday each month, 6:00 PM, Town Hall

Meeting Date/Time/Place - 2nd Tuesday each month, 6:30 PM, Town Hall

Town Officials Salaries:

|                 |                   |
|-----------------|-------------------|
| Supervisor      | - \$19,000.00     |
| Town Justice I  | - 13,150.00       |
| Town Justice II | - 13,150.00       |
| Councilman (4)  | - 3,900.00 (each) |
| Town Clerk      | - 63,735.00       |
| Highway Supt.   | - 73,500.00       |

Assessor Salary - \$61,950.00

Code Enforcement Officer - Robert Samuelson

Code Enforcement Officer Salary - \$35,653.00 & Village Contribution once the contract is approved and signed by both boards

Zoning Officer Salary - \$17,850.00

Dog Control Officer – John Stow

Dog Control Officer Salary - \$4,803.00

Deputy Town Clerk – Jill P. Colburn

Deputy Town Clerk Salary - \$43,050.00

Accounting Firm – Bahgat & Laurito-Bahgat

Accountant Fee - \$18,000.00

Court Clerk - Deanna Crossley

Court Clerk Salary - \$43,575.00

Deputy Highway Superintendent – Vance Lutgen

Deputy Highway Superintendent Fee - \$3,120.00

Cemetery Sexton – Jason Adams

Cemetery Sexton Fee - \$4,410.00

Park/Cemetery Manager – Greg Hallberg

Park/Cemetery Manager Fee - \$7,500.00

Board of Appeals/Planning Board Clerk - Anne M. Golley

Highway Department Base Wage - \$28.00 Per hour

Supervisor's Committees:

|   |                        |
|---|------------------------|
| Highway   | - Cresanti & Anderson  |
| Cemetery  | - Boughton & Cresanti  |
| Personnel                                       | - Full Board           |
| Buildings                                       | - Cresanti & Anderson  |
| Zoning  | - Schlemmer & Crist    |
| Audit   | - Cresanti & Anderson  |
| Capital Projects – Full Board<br>(New Building) |                        |
| Insurance                                       | - Boughton & Schlemmer |
| Park  | - Boughton & Schlemmer |

Deputy Supervisor – John Cresanti, Sr

Board of Assessment Review – Pierre Chagnon – Reappointment – 10/1/2023 – 9/30/2028

Combined ZBA/Planning Board – Rick Shick – Reappointment – 1/1/2024 – 12/31/2030  
John Sitzenstatter – Reappointment – 1/1/2024 – 12/31/2030

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson – Aye - Motion Carried

2024 Mileage Rate - \$ .67 per mile

**Organizational Meeting – January 9, 2024 – Continued**

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Motion by Councilmember Schlemmer, second by Councilmember Crist: That the mileage rate of 2024 be accepted.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti - Aye

Mr. Schlemmer – Aye  
Mr. Anderson – Aye - Motion Carried

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the committees as reported by Supervisor Anderson be accepted.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti - Aye

Mr. Schlemmer – Aye  
Mr. Anderson – Aye - Motion Carried


**ADJOURNMENT**

Motion by Councilmember Crist, second by Councilmember Crestani: That the Organizational meeting be adjourned at 5:44 PM

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti - Aye

Mr. Schlemmer – Aye  
Mr. Anderson – Aye - Motion Carried

SUBMITTED:

  
Jill J Braund, RMC  
Ellery Town Clerk

/JJB

STATE OF NEW YORK )  
COUNTY OF CHAUTAUQUA )  
TOWN OF ELLERY )

SS

JANUARY 09, 2024

### **TOWN BOARD WORKSHOP**

Minutes of the Town Board Workshop Meeting held Tuesday, January 9, 2024, at the Town Hall Sunnyside Avenue, Bemus Point, NY commencing at 5:00 PM.

PRESENT: Lawrence A. Anderson, Supervisor  
John C. Cresanti Sr., Deputy Supervisor/Councilmember  
Jeremy D. Crist, Councilmember (arrived at 5:07)  
David W. Boughton, Councilmember

ABSENT: Mark R. Schlemmer, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney  
Anne Golley, Assessor/Zoning Officer  
Greg Hallberg, Highway Superintendent  
Jill Colburn, Deputy Town Clerk  
Robert Samuelson, Code Enforcement Officer

Supervisor Anderson called the Workshop Meeting to order at 5:00 pm.

The Town Board members audited the vouchers for December, 2023 and January, 2024. There were no questions or comments regarding the vouchers. Board Members also looked over their board materials for the Regular Monthly Board Meeting.

Councilmember Boughton stated he will be attending the Association of Towns Newly Elected Officials 2024 Training School held in Rochester, NY, January 10<sup>th</sup> through January 12<sup>th</sup>.

Motion by Councilmember Boughton, seconded by Councilmember Cresanti: That the Workshop Meeting be adjourned at 5:20 PM.

Mr. Boughton – Aye  
Mr. Crist – Aye

Mr. Cresanti - Aye  
Mr. Anderson – Aye – Motion Carried

### **REGULAR MONTHLY MEETING**

Minutes of the January Town Board Meeting held Tuesday, January 9, 2024 at the Town Hall, Sunnyside Avenue, Bemus Point, NY commencing at 6:00PM.

PRESENT: Lawrence A. Anderson, Supervisor  
John C. Cresanti Sr., Deputy Supervisor/Councilmember  
Jeremy D. Crist, Councilmember  
Mark R. Schlemmer, Councilmember  
David W. Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney  
Anne Golley, Assessor/Zoning Officer  
Greg Hallberg, Highway Superintendent  
Jill Colburn, Deputy Town Clerk  
Robert Samuelson, Code Enforcement Officer

Supervisor Anderson called the meeting to order at 6:00 PM. The Pledge of Allegiance was observed.

**DECEMBER 2023 TOWN BOARD MINUTES - ACCEPTED**

Motion by Councilmember Schlemmer, seconded by Councilmember Crist: That the Town Board accept the minutes from the December 12, 2023 Town Board Meeting as presented.

|                    |                                     |
|--------------------|-------------------------------------|
| Mr. Boughton – Aye | Mr. Schlemmer - Aye                 |
| Mr. Crist – Aye    | Mr. Anderson – Aye – Motion Carried |
| Mr. Cresanti - Aye |                                     |

**DECEMBER REPORTS**

Town Clerk Jill Braund submitted December's report in the amount of \$4,825.00. The check to the Town totaled \$4,026.42. The Town Clerk's annual report for 2023 was also presented to the Town Board. Town Clerk Braund stated tax collection has started and the total 2024 Tax Warrant for the Town and County is \$7,466,450.00. Discussion followed regarding Town Clerk Braund and Deputy Town Clerk Colburn being dual electronic check signers for the M&T Bank Remote Check Deposit program.

Motion by Councilmember Crist, seconded by Councilmember Boughton: That Town Clerk Braund and Deputy Town Clerk Colburn be dual check signers for the M&T Bank Remote Check Deposit program.

|                    |                                     |
|--------------------|-------------------------------------|
| Mr. Boughton – Aye | Mr. Schlemmer - Aye                 |
| Mr. Crist – Aye    | Mr. Anderson – Aye – Motion Carried |
| Mr. Cresanti – Aye |                                     |

Other reports submitted were from the Zoning Officer, Code Enforcement Officer, Assessor, Town Justices', Town Supervisor and the annual report from the Town Historian.

Anne Golley stated she needs to move back into her office by next week. If the carpet for her office comes after she has moved back in, the installation of the carpet will have to be done in May.

Supervisor Anderson and Councilmember Cresanti will schedule with the Court Clerk a time to conduct a court Audit.

Supervisor Anderson noted that Kari Belovarac had to cancel her presentation regarding the proposed first draft of the new town hall building scheduled for tonight's meeting. Supervisor Anderson stated she has rescheduled for February's meeting.

**OFFICIAL UNDERTAKING**

Town Clerk Braund asked the Town Board to approve the Official Undertaking for the: Town Clerk, The Town Supervisor and the Town Highway Superintendent.

Motion by councilmember Boughton, second by Councilmember Crist: That the Town Board of the Town of Ellery approve the document entitled “Town of Ellery Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance for the Town Clerk, the Town Supervisor and the Town Highway Superintendent.

Mr. Boughton – Aye

Mr. Schlemmer - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

Mr. Cresanti – Aye

**PUBLIC**

1. Jason Carnes, of Slide Joslyn Road, addressed the Board regarding his ongoing property issue with the town. Supervisor Anderson advised Mr. Carnes to hire an attorney to pursue the matter.

**BUDGET TRANSFERS/MODIFICATIONS**

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That the following Budget Transfers/Modifications be approved:

Mr. Boughton – Aye

Mr. Schlemmer - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

Mr. Cresanti – Aye

**Budget Transfer - General Fund Town Wide:**

\$1,154 From A1620.41 – Building – Contractual – Central Supply

\$1,154 To A1620.4 – Building - Contractual

\$63 From A1920.4 – Special items – Municipal Dues

\$63 To A1910.4 – Special Items – Unallocated Insurance

\$201 From A9060.8 - Employee Benefits – Hospital & Medical

\$201 To A3510.4 – Animal Control – Contractual

\$3,086 From A9060.8 – Employee Benefits – Hospital & Medical

\$3,086 To A9030.8 – Employee Benefits – Social Security

\$48 From A9060.8 – Employee Benefits - Hospital & Medical

\$48 To A9045.8 – Employee Benefits – Life Insurance

**Budget Transfer - General Fund Outside Village**

\$63 From B3620.1 – Safety Inspection – Personal Services

\$63 To B3620.4 – Safety Inspection - Contractual

\$507 From B3620.1 – Safety Inspection – Personal Services  
\$507 To B9030.8 – Employee Benefits – Social Security

**VOUCHERS**

Motion by Councilmember Cresanti, seconded by Councilman Boughton: That Voucher #'s 629 through 665, Warrant number 13, in the amount of \$48,425.22 and Voucher #'s 001 through 018, Warrant number 1, in the amount of \$15,625.60 be paid as audited.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

**LEGISLATOR'S REPORT**

County Legislator Chagnon reported:

1. The Legislature reappointed Mr. Chagnon to the Chautauqua County Soil and Water Conservation District Board of Directors.
2. The County tabled a resolution to use \$100,000 of Occupancy Tax funds for the Chautauqua Region Economic Development Corporation to initiate a Public Art Program.
3. The County established real property equalization rates for 2024:  
Ellery is 69.7%, down from 78.6% in 2023 12.8% increase  
North Harmony is 66.5%, down from 76.2% in 2023 14.6% increase  
Chautauqua is 86.1%, down from 99% in 2023 19% increase

The County distributed Mortgage Tax collected from April 1, 2023 through September 30, 2023

Ellery \$51,936.42, down from \$82,880.32 for the same period last year.

North Harmony \$16,653.25, down from \$27,034.01 for the same period last year.

Chautauqua \$45,186.62, down from \$56,058.28 for the same period last year.

Bemus Point \$3,477.95, down from \$5,570.04 for the same period last year.

Legislator Chagnon also reported that the application period for two Chautauqua County Lakes and Waterways grant programs has opened up as of January 1, 2024. First, is the 2% Occupancy Tax Grant Program. The town is eligible to apply for up to \$50,000.00 of eligible cost reimbursements. Eligible reimbursement costs include: stream bank and lakeshore stabilization, cultural management and storm water cleanup. The application deadline is April 1, 2024 for 2025 disbursement.

A second, new grant program, is for In-lake Maintenance. The town can apply for up to \$50,000.00 of eligible reimbursement costs. Eligible reimbursement costs include; weed harvesting, dredging, and herbicides. These funds are currently available in the County's 2024 budget; therefore the 2024 application deadline is February 15, 2024. The same grant program is available for 2025 with an application deadline of April 1, 2024 for 2025 disbursement.

**HIGHWAY SUPERINTENDENT'S REPORT**

Highway Superintendent Hallberg stated the Highway Department is in Winter mode. They have been working on the trucks. The guys really like the new truck. They have been doing brush, trimming and sign work when they can.



**APPROVAL – HIGHWAY 284 LAW**

Motion by Councilmember Crist, seconded by Councilmember Cresanti: That at the request of Highway Superintendent Hallberg the Town Board approve and sign the Highway Law #284 as required.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson – Aye – Motioned Carried

**TOWN ATTORNEY REPORT**

Mr. Robinson noted that the Legal Notice for bids regarding the sale of town property located by Steener's has been published in the paper and will be published again the first week of February. Mr. Robinson updated the Board regarding active cases that have been to court. Each property owner has been given a deadline for compliance. If the deadline is not met, violation notices will be issued.

**COMMITTEE REPORTS**

There was discussion lead by Councilmember Schlemmer regarding the Financial Report, and the accounts that are overdrawn. The overdrawn line items were discussed. Supervisor Anderson will be in contact with the town's accounting firm to address using ARPA funds for the town hall building repairs. Highway Superintendent Hallberg was able to address the Highway accounts that are over budgeted.

Motion by Councilmember Schlemmer, seconded by Councilmember Crist: That the remaining funds totaling \$31,429.89 in the B7110.4 – Lake Support – Contractual account be moved to the Lake Management Reserve fund.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

**EMPLOYEE HANDBOOK**

Deputy Town Clerk Colburn will make and distribute copies of the Employee Handbook, with an acceptance page that will need to be notarized. The Handbook will be available at next month's board meeting.

**7:00 PM - PUBLIC HEARING – SPECIAL USE PERMIT**

Supervisor Anderson opened the Public Hearing at 7:00 PM to consider the Special Use Permit application for the Enclave at Chautauqua Lake. At the advisement of Town Attorney Robinson, The Board reviewed and answered the required questions in the Short Environmental Assessment Form Part 2 – Impact Assessment. After some discussion the following Motion was made:

Motion by Councilmember Crist, seconded by Councilmember Cresanti: That the proposed action will NOT result in any significant adverse environmental impacts.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

TBD Properties represented by Tom Balling and Dan Balling, along with architect, Don Harrington from Harrington Architecture, discussed their presentation to transform the Fluvanna Elementary School into a maximum of 19 residential units serving residents 55 years of age and older. Most of the project will be contained inside the building. Mr. Harrington went over the plans for the project. Items discussed included: parking, windows - one window in each unit will be an egress window, HVAC - updated and in each individual unit, the units will be one bedroom, each unit will be between 800 and 1,000 square feet, each unit will have a washer/dryer and a complete kitchen. There will be handicap units available. Lighting, signage, water drainage, landscaping and sewer were also discussed. The asbestos that is in the building will be encapsulated in the new ceiling. Any easement issues with the neighbor will be worked out. A water flow test was completed with no issues identified. A trash dumpster will be enclosed in the back of the building.

Councilmember Schlemmer stated he supports the project and feels it will be a great addition for the Town of Ellery, however he had some follow up questions regarding: the parking lot area, drainage/water runoff, erosion, the dumpster, mailboxes, landscaping and future use of the sidewalk. Mr. Harrington and Tom Balling addressed all of Councilmember Schlemmer's concerns. More discussion regarding the approval of the Special Use application followed.

Fluvanna Fire Chief, Marion Soldano IV voiced his, and the Fluvanna Fire District's, support for the project stating that the vacant building is a concern for potential issues from a fire protection standpoint. He is happy for the possible use of the building.

Motion by Councilmember Cresanti, seconded by Councilmember Boughton: That the public hearing be closed at 8:00 PM.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

Motion by Councilmember Schlemmer, seconded by Councilmember Crist: To grant the Special Use Permit contingent upon the Final Site Plan addressing the Boards requirements regarding the project's lighting, drainage and landscaping to the Town Board's satisfaction before a building permit will be issued.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

### ADJOURNMENT

Motion by Councilmember Crist, seconded by Councilmember Boughton: That the Town Board Meeting be adjourned at 8:05 PM.

Mr. Boughton – Aye  
Mr. Crist – Aye  
Mr. Cresanti – Aye

Mr. Schlemmer – Aye  
Mr. Anderson - Aye – Motioned Carried

Submitted by,

  
Jill J. Braund, RMC  
Ellery Town Clerk

STATE OF NEW YORK )  
COUNTY OF CHAUTAUQUA )  
TOWN OF ELLERY )

SS

JANUARY 31, 2024

### TOWN BOARD SPECIAL MEETING

Minutes of the Special Town Board Meeting held on January 31, 2024 at the Town Hall Sunnyside Avenue, Bemus Point, NY commencing at 4:30 pm.

PRESENT: Lawrence A Anderson, Supervisor  
John C Cresanti Sr., Councilmember  
David W Boughton, Councilmember

ABSENT: Mark R Schlemmer, Councilmember  
Jeremy D Crist, Councilmember

Minutes Taken By: Jill J Braund, Town Clerk

Supervisor Anderson called the meeting to order at 4:30 PM.

Supervisor Anderson stated the purpose of the meeting is to authorize the Town Supervisor to sign herbicide treatment applications and permits as needed for the Town of Ellery and the Village of Bemus Point. The Village of Bemus Point will be responsible for paying their own expenses.

Motion by Councilmember Cresanti, seconded by Councilmember Boughton: That Town Supervisor Anderson is authorized to sign all paperwork as/when necessary for the Town of Ellery and the Village of Bemus Point for herbicide treatment applications and permits and the Village of Bemus Point is responsible for their own payments.

Mr. Cresanti – Aye      Mr. Boughton - Aye  
Mr. Anderson – Aye - Motion Carried

Discussion followed with Jane Conroe asking the Board questions regarding depth, concentration levels and how the treatment sites are determined.

### BLUSKY FINAL PAYMENT

Motion by Councilmember Cresanti, seconded by Councilmember Boughton: That the final payment to Blusky, for the work completed in the Assessor's office, be made and authorized as a prepay.

Mr. Cresanti – Aye      Mr. Boughton - Aye  
Mr. Anderson – Aye - Motion Carried

### ADJOURNMENT

Motion by Councilmember Cresanti, seconded by Councilmember Boughton: That the Town Board Special Meeting be adjourned at 4:47 PM.

Mr. Cresanti – Aye      Mr. Boughton - Aye  
Mr. Anderson – Aye - Motion Carried

Submitted by,

  
Jill J Braund, RMC  
Ellery Town Clerk