

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

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MARCH 12, 2024

TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop meeting held Tuesday, March 12, 2024 at the Town Hall Sunnyside Avenue, Bemus Point, NY commencing at 6:00 PM.

PRESENT: Lawrence A. Anderson, Supervisor
John C. Cresanti Sr., Deputy Supervisor/Councilmember
Mark R. Schlemmer, Councilmember
Jeremy D. Crist, Councilmember (arrived at 6:10 PM)
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 Workshop meeting to order at 6:00 pm.

The Town Board members audited the vouchers for February 2024. No exceptions were taken at this time. Board Members looked over their board materials for the Regular Monthly Board meeting.

Motion by Councilmember Crist, second by Councilmember Boughton: That the Workshop meeting be adjourned at 6:29 PM.

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

REGULAR MONTHLY MEETING

Minutes of the Town Board meeting held Tuesday, March 12, 2024 at the Town Hall, Sunnyside Avenue, Bemus Point, NY commencing at 6:30 PM.

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 6:30 PM. The Pledge of Allegiance was observed.

FEBRUARY 2024 TOWN BOARD MINUTES - RECEIVED

Motion by Councilmember Crist, second by Councilmember Cresanti: That the Town Board acknowledges receipt of the February 13, 2024 Town Board meeting minutes as presented.

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

FEBRUARY REPORTS

Town Clerk, Jill Braund submitted February's Town Clerk Report in the amount of \$2,571.00. The check to the town totaled \$2,502.75. Town Clerk Braund reported the total amount of taxes collected to date is \$6,746,018.88. Town Clerk Braund encouraged the Town Board Councilmembers to attend the Southern Tier West Conference at Houghton University. There will be afternoon sessions covering capital projects/plans. The Town Clerk's Office will be closing on April 8th at 1:00 pm in observance of the Solar Eclipse.

The Town Board reviewed reports from the Zoning Officer, Code Enforcement Officer, Assessor, Town Justices', Dog Control Officer and the Town Supervisor.

Motion by Councilmember Boughton, second by Councilmember Cresanti: That February's reports be accepted as presented.

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

Discussion followed regarding requests for Solar Farms in the Agriculture/Residential Zoning District. Zoning Officer, Anne Golley stated this is not an allowed use in this district. A brief discussion followed. Attorney Robinson is going to look into whether or not the State can override the Town's Zoning Law not allowing them in the Agriculture/Residential District.

There was a brief discussion regarding battery storage use. Zoning Officer, Anne Golley stated she has received requests for this as well. This is not an allowed use in the Town of Ellery's Zoning Law. A brief discussion followed regarding the possibility of needing a moratorium regarding battery storage use so the town can decide on how they want to proceed. Attorney Robinson stated he will talk to Kelly Johnson, Town of North Harmony's Attorney, to see what they are doing regarding this issue.

PLANNING/ZONING BOARD APPOINTMENT

Assessor, Anne Golley requested the Town Board approve the appointment of Steven Phillips to the Zoning/Planning Board. A brief discussion followed.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That Steven Phillips be appointed to the Zoning/Planning Board for the Town of Ellery.

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

GRIEVANCE DAY

Assessor Golley reported the Town of Ellery's Grievance Day is May 28th.

SPECIAL USE PERMIT – THE ENCLAVE AT CHAUTAUQUA LAKE

Don Harrington represented Dan and Tom Balling in discussing the Town Board's Site Plan requirements for the Special Use Permit for The Enclave at Chautauqua Lake. Sidewalks, landscaping, lighting and the option of keeping the neighbor's easement open at the neighbor's request were discussed. Councilmember Schlemmer asked for a list of the landscaping items and for the lighting wall packs to be speced out by the electrician. Once this information is given to Code Enforcement Officer, Bob Samuelson, the Special Use Permit can be issued.

PUBLIC

Jim Wehrfritz addressed the Town Board regarding his appreciation for the Town of Ellery's efforts in supporting past lake related meetings. Mr. Wehrfritz is asking, again, for the Town Board's support regarding the New York State DEC Wetlands Regulations by asking the Town Board to sponsor some public meetings. Mr. Wehrfritz stated he would do the work if the town would provide for the cost of the meetings, i.e. posters to advertise the meeting dates. Councilmembers Schlemmer, Crist and Boughton stated they appreciate what Mr. Wehrfritz has done for the town and the lake in the past and are in support of this request. At next month's board meeting Mr. Wehrfritz will present a proposed plan regarding the town's support for these meetings. Mr. Wehrfritz stated he would like to have a meeting sometime within the next 6 weeks and another one when the seasonal residents return. A lengthy discussion followed regarding what the wetlands regulations will mean for property owners.

PROPERTY FOR SALE - OFFERS

Supervisor Anderson opened the offers for the property the town may be interested in selling located behind the Dollar General in Greenhurst.

Offer #1: Jeffery Caruso/Amanda Erlandson/Jared Caruso \$5,000 for 1.5 acres. Received a check for \$500

Offer #2: Paul Guido/John Angeletti \$11,000 for 2.5 acres. Received a check for \$1,100

Caruso, Erlandson, Caruso, Guido and Angeletti are offering to purchase all 4 acres together.

Offer #3: Robert Schneider \$10,000 for all 4 acres. Received a check for \$1,000

Offer #4: Michael Koscher \$25,000 for all 4 acres. Received a check for \$2,500

Offer #5: William & Julia Steen \$10,000 for all 4 acres. This is their original offer from October of 2023. There is no check with the offer. No new offer was made.

The Town Board members discussed all the offers with Town Attorney Robinson's guidance. The importance of the snowmobile trail along this property was mentioned. Mr. Robinson stated if the town wishes to sell the property, the town should take the offer that is in the town's best interest. Mr. Robinson commented that if the town decides to sell the property, the town could put restrictions in place to protect the snowmobile trail.

It was decided the town has two options regarding this property:

1. Accept the combined offer between Caruso/Erlandson/Caruso/Guido and Angeletti. It was agreed that the purchasers would pay for all expenses related to the sale of the property. This offer would protect Dollar General's water runoff discharge.
2. Decide not to sell the property.

Attorney Robinson recommended the Town Board to take their time and think about whether or not to sell.

BUDGET TRANSFERS/MODIFICATIONS

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the Town Board resolves to increase the General Fund Town Wide 2024 expenditure budget by \$9,790.00 due to the use of ARPA Funds for the final payment for repairs in the Assessor's Office. This will increase accounts A4039 – FEDERAL AID – ARPA and A1620.49 – BUILDING – CONTRACTUAL – ARPA.

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

VOUCHERS

Motion by Councilmember Cresanti, second by Councilman Schlemmer: That Voucher #'s 87 through 140, Warrant/Abstract # 003 in the amount of \$92,982.06 be paid as audited.

Mr. Boughton – Aye	Mr. Cresanti - Aye
Mr. Crist – Aye	Mr. Schlemmer - Aye
Mr. Anderson - Aye – Motioned Carried	

LEGISLATOR'S REPORT

As submitted - County Legislator Chagnon reported:

- We adopted a Local Law increasing the salary of the County Executive by \$16,210 effective January 1, 2026
- We adopted a Local Law increasing the salary of the County Clerk by \$17,880 effective January 1, 2026

- We adopted a Local Law increasing the salary of the County Sheriff by \$10,355 effective January 1, 2027
- We adopted a Local Law increasing the salary of the County Legislators by \$5,732 effective January 1, 2026
- We adopted a Local Law increasing the salary of County Legislators annually by the percentage increase in the U.S. Department of Labor Consumer Price Index for the prior year
- We adopted a Local Law directing a bi-partisan County Salary Commission be appointed at least every 4 years to make sure these salaries are reviewed more frequently

I have noted media reports expressing concern that the Salary Commission analyzed counties with comparable population, but many of those counties did not have similar median household income. So we prepared a salary comparison of the five Southern Tier counties that at one time constituted the 39th Congressional District of New York, and which all have a similar median household income. We found how significantly Chautauque County is lagging amongst our smaller neighbors in what it offers in compensation to its elected officials.

- Chautauque County has the highest population, 49% above the average
- Chautauque County has the 3rd highest median household income, 1% above the average
- The per capita 2024 County Budget appropriations for Chautauque County is the second lowest and 14% below the average.
- Chautauque County Executive receives the lowest salary, 30% below the average
- Chautauque County Sheriff receives the second lowest salary, 16% below the average (The lowest paid Sheriff serves a county with 63% less population and does not operate a road patrol)
- Chautauque County Clerk receives the lowest salary, 21% below the average
- Chautauque County Legislators receive the lowest salary, 33% below the average

In my view, the Salary Commission's recommendation that our elected official salaries be advanced only 1/2 of the distance to average among counties of similar population was in recognition that such other New York counties were not identical to Chautauque County. Most importantly, however, if Chautauque County hopes to attract the most qualified leaders from both the private and public sector to run for our elected offices, our salaries need to be competitive. Ideally, those individuals at the height of their energy, creativity, experience, and earning potential in their 40s and 50s need to be part of the pool of potential candidates.

Comparing ourselves to other states is crucial as we compete against other states for economic resources, for jobs, for a high quality of life and an affordable lifestyle. These things are necessary to entice businesses and people to come to New York.

Medicaid expense is 43.9% of the entire County tax levy. Most counties in the USA have no mandated Medicaid contribution, but New York State requires counties to contribute more than all counties in the U.S. combined.

Safety Net expense is 5.1% of the entire County tax levy. Most counties in the USA have no mandated Safety Net contribution, but New York State requires counties to contribute. NYS has the sixth highest cash assistance amount, is one of only 16 states with no time limit on assistance, and offer assistance to asylees and migrants.

Preschool Special Education expense is 4.6% of the entire County tax levy. Most counties in the USA have no mandated Preschool Special Education contribution, but New York State requires counties to pay 40% of program costs.

Indigent Defense expense is 4.5% of the entire County tax levy. Only 20 states require counties to pay a share of indigent defense. In 35 states, the state pays the vast majority, not counties. Since 2007, New York State counties have paid an average of 78% of the program cost.

The county resources the state uses to pay for their programs are not visible in the state budget, nor accounted for in the state's financial plan, but would comprise an important share of the state's general fund if identified. By excluding these funds from public view and discourse, state leaders disregard how these local costs impact the overall affordability issue facing New Yorkers.

This analysis covered only four state-level programs, but there are dozens of other programs that require extensive county contributions to support state programs. These include, but are not limited to, child welfare, foster care, early intervention, probation, and public health, along with laws and regulations in the areas of environment, energy, procurement, construction, and insurance. All these costs contribute to affordability yet are not included in the annual state budget process or recognized by state leaders as part of the affordability problem facing New Yorkers.

The state cannot continue sweeping \$12 billion a year from local taxpayers and pretend like it doesn't exist. If state leaders want to address affordability, then we need better transparency, and a larger discussion must take place about how we pay for state programs and what is truly affordable.

HIGHWAY SUPERINTENDENT'S REPORT

Highway Superintendent Hallberg reported the highway guys have been cutting trees and brush. They are also working on signs and getting equipment ready for Summer.

Mr. Hallberg handed out the 2025 Mac 10-Wheeler truck specs to the Town Board members. Mr. Hallberg stated Conway Beam can build the cab and chassis in the 4th quarter of this year. The rest of the truck will be built around March of 2025 from Henderson's bid. There was a brief discussion regarding how the truck is budgeted and the payment process. Discussion followed regarding Henderson's bid not including their discount. Mr. Hallberg will look into this for next month's meeting. At April's meeting the Town Board will discuss the bid for the body of the truck.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the town approve the cab and chassis bid from Conway Beam Truck Group, to purchase the 2025 Mac 10-Wheeler truck not to exceed \$176,256.52. The Town Board will look at the body bid next month.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Schlemmer - Aye

Mr. Anderson - Aye – Motioned Carried

Pollution insurance paperwork for the fuel island inspection has been signed per Randy Graham's request.

TOWN ATTORNEY REPORT

Town Attorney Robinson has been working with the Zoning Board regarding zoning violations.

Attorney Robinson discussed the particulars of the Intermunicipal Agreement between the Town of Ellery and the Village of Bemus Point for Code Enforcement Services. At Mr. Robinson recommendation, the following motion was made regarding the Intermunicipal Agreement between the Town of Ellery and the Village of Bemus Point.

Motion by Councilmember Crist, second by Councilmember Cresanti: That Supervisor Anderson is authorized to sign the Intermunicipal Agreement between the Town of Ellery and the Village of Bemus Point for the services of Robert Samuelson as the Code Enforcement officer.

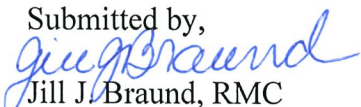
Mr. Boughton – Aye	Mr. Cresanti - Aye
Mr. Crist – Aye	Mr. Schlemmer - Aye
Mr. Anderson - Aye – Motioned Carried	

ADJOURNMENT

Motion by Councilmember Cresanti, seconded by Councilmember Crist: That the Town Board meeting be adjourned at 8:28 PM.

Mr. Boughton – Aye	Mr. Cresanti - Aye
Mr. Crist – Aye	Mr. Schlemmer - Aye
Mr. Anderson - Aye – Motioned Carried	

Submitted by,



Jill J. Braund, RMC

Ellery Town Clerk

March 26, 2024