

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

SS

FEBRUARY 13, 2024

### TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop Meeting held Tuesday, February 13, 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  
Jeremy D. Crist, Councilmember  
David W. Boughton, Councilmember (arrived at 6:05)

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 6:00 pm.

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

Highway Superintendent Hallberg received Town Attorney Robinson's recommendation that the request for a street light to be installed on a National Grid pole at the Chautauqua County Landfill be referred to the County for consideration.

Jeff Molnar, Village of Bemus Point Mayor, addressed the Ellery Town Board regarding a joint proposal using the 2% Occupancy Tax Grant Program for Lakes and Waterways. The proposal is for the "Bemus Point/Ellery Paddle Trail-Blueway." It will extend from the Cheney farm to Long Point State Park. No markers will be placed in the water. Signs will be placed at the Wildlife Management/Cheney farm area, the Bemus Point Boat Launch and Long Point State Park. The idea is to promote recreational activity and tourism. Mr. Molnar has a budget of \$15,000.00 for this project and is proposing to split that budget with the Town of Ellery utilizing this grant.

Mr. Molnar is also working with Supervisor Anderson on another grant application in hopes to get help with the herbicide treatments. The Village and Town are jointly applying for \$40,000.00.

Motion by Councilmember Crist, second by Councilmember Boughton: That the Workshop Meeting be adjourned at 6:28 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, February 13, 2024 at the Town Hall, Sunnyside Avenue, Bemus Point, NY commencing at 6:30PM.

PRESENT: Lawrence A. Anderson, Supervisor  
John C. Cresanti Sr., Deputy Supervisor/Councilmember  
Jeremy D. Crist, Councilmember  
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 meeting to order at 6:30 PM. The Pledge of Allegiance was observed.

**JANUARY 2024 TOWN BOARD MINUTES - RECEIVED**

Motion by Councilmember Crist, second by Councilmember Boughton: That the Town Board acknowledges receipt of the January 9, 2024, Organizational Meeting minutes, the January 9, 2024, Town Board Meeting minutes and the January 31, 2024, Special Town Board Meeting minutes as presented.

Mr. Boughton – Aye  
Mr. Crist – Aye

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

**JANUARY REPORTS**

Town Clerk Jill Braund submitted January's Town Clerk Report in the amount of \$2,261.00. The check to the Town totaled \$2,175 00.

Town Clerk Braund reported tax collection is going well. The total amount of taxes collected to date is \$5,377,213.85. Town Clerk Braund stated tax collection is now in the 1% penalty phase.

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

Discussion followed regarding animal shelters and their availability/capacity. The Town has a contract with the Humane Society. Supervisor Anderson will explore entering into a contact with the animal shelter in Sherman.

Supervisor Anderson lead a brief discussion regarding the purchase of business cards for Town Officials.

**INTERMUNICIPAL AGREEMENT - VILLAGE OF BEMUS POINT**

There was a brief discussion regarding the Intermunicipal Agreement between the Town of Ellery and the Village of Bemus Point. It was verified with Jeff Molnar, Village Mayor, that the Village contribution will be the same as last year \$15,000.00.

Motion by Councilmember Crist, second by Councilmember Boughton: That Town Supervisor Anderson is authorized to sign the Intermunicipal Agreement for Code Enforcement duties between the Town of Ellery and the Village of Bemus Point, as prepared by Town Attorney Robinson.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

**SALARY INCREASE – TOWN OFFICE CLEANER**

There was some discussion regarding the Town Board's oversight of not authorizing a salary increase for the Town of Ellery Office Cleaner, Sheila Lundberg.

Motion by Councilmember Boughton, second by Councilmember Crist: That Sheila Lundberg, Town of Ellery Office Cleaner, receive a 5% salary increase of her current hourly rate, retroactive to the first pay of January 2024.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

Town Clerk Braund will notify Bahgat Laurito Baghat of the salary increase for Sheila.

**CONNECTING COUNTY SEWER DISTRICTS - STUDY**

Supervisor Anderson, County Executive PJ Wendel, Legislator Pierre Chagnon, Town of Chautauqua Supervisor Don Emhardt and Village of Bemus Point Mayor, Jeff Molnar met to discuss a county study to extend the county sewer districts from Midway State Park to the town line of Chautauqua to complete the county sewer connection around the lake. The study will look at three options to complete this project. Discussion followed regarding the Town Board's support for the study. The cost of the study will be a county expense.

Motion by Councilmember Crist, second by Councilmember Cresanti: That the Town Board is in support of the County studying completing the sewer districts, in the Town of Ellery, from Midway State Park to the town line of Chautauqua at the county's cost.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

**COURT SECURITY CONTRACT**

Motion by Councilmember Cresanti, second by Councilmember Crist: That Supervisor Anderson is authorized to sign the Court Security Contract between the Town of Ellery and the Chautauqua County Sheriff's Department at a maximum cost of \$3,000.00.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

**ACCEPT – 2023 JUSTICE COURT AUDIT**

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the Town Board accept the 2023 audit of the Town Justice Records as submitted/audited by Supervisor Anderson, and Councilmember Cresanti along with Deputy Town Clerk Colburn.

Mr. Boughton – Aye

Mr. Cresanti - Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

**TOWN HALL – CONCEPT DRAWING**

Keri Belovarac of Bemus Bay Architecture, presented a concept drawing of the proposed new Town Hall. The proposed square footage of the building is 5,139 square feet with 185-person occupancy. Cost, accessibility, size, security and layout were all discussed. There was some discussion regarding court space requirements and the records room location. Town Clerk Braund stated the records room needs be off of the Town Clerk's office as initially requested. Keri stated she will talk with everyone to make sure our office needs are met. Keri stated she is now at the point where she needs to have a better idea of a "not to exceed cost" for the project.

**PUBLIC**

Paul Guido and John Angeletti addressed the Town Board regarding their concerns over the town property for sale in back of Steener's. They are worried it will become a parking lot. Mr. Guido is concerned about his right-of-way that runs along the property line next to his property. He indicated there could be a problem with the water run-off from Dollar General's catch basin discharge pipe if it releases water onto a parking lot instead of the existing grassy area. Mr. Guido stated all the neighbors would like the property to remain the same.

Town Attorney Robinson stated the Town is not saying they are going to sell the property, only that they have determined that the property has no public use and they have the authority sell it if the Town wishes to. It doesn't mean that if the town accepts Steener's offer to purchase the property it will become a parking lot. Town Supervisor Anderson stated the Town has not approved anything at this time.

Mr. Guido and Mr. Angeletti were encouraged to submit an offer to purchase the property.

**BUDGET TRANSFERS/MODIFICATIONS**

There were no budget transfers or modifications for this month

**VOUCHERS**

Motion by Councilmember Cresanti, second by Councilman Boughton: That Voucher #'s 19 through 86, Warrant/Abstract # 002 in the amount of \$618,545.65 be paid as audited.

Mr. Boughton – Aye  
Mr. Crist – Aye

Mr. Cresanti  
Mr. Anderson - Aye – Motioned Carried

**LEGISLATOR'S REPORT**

County Legislator Chagnon reported:

- We killed a resolution to use \$100,000 of Occupancy Tax funds for the Chautauqua Region Economic Development Corporation to initiate a Public Art Program
- We presented a commendation to the Chautauqua Lake Girls Volleyball State Champions
- We presented a commendation to Dr Lilian Ney for her many years of dedicated service to the Chautauqua County Board of Health
- We passed motions proclaiming January Human Trafficking Awareness Month and proclaiming February Black History Month.
- We amended the capital project to construct the CARTS Hub in Jamestown by appropriating an additional \$155,258 from fund balance, due to project delays of years waiting for the City of Jamestown to complete their required removal of underground fuel tanks.

**HIGHWAY SUPERINTENDENT'S REPORT**

Highway Superintendent Hallberg reported the highway workers have been trimming trees and brush along with doing sign work. Mr. Hallberg stated he has been working with the truck dealer for specs and numbers for the new truck. He hopes to have the information at next month's meeting. Mr. Hallberg traveled to Albany to testify with the Transportation Committee regarding the money for CHIPS that was taken out of the State budget. They are asking for \$250,000,000 more in CHIPS money to be added to the budget.

Mr. Hallberg stated he and Dave Spann, from Soil and Water, will walk the Egan property located on Meadow Dr., along with Mr. Egan, to discuss the work that needs to be done regarding the cleared ditch that now floods the neighbor's property. Mr. Spann stated he thinks he can take care of the situation and do the work under the County's umbrella. It will be cheaper and eliminate the need for bids and quotes. The one bid Mr. Hallberg obtained from Treadway was very high. Mr. Hallberg stated he will update the neighbor, Kim Stahley, of this plan. Mr. Hallberg stated he feels Mr. Egan will agree to sign the easement once the work is completed.

Attorney Robinson stated if Mr. Egan doesn't sign the easement the Town of Ellery will stop work before it gets to his property.

Mr. Hallberg stated a part-time worker for the town park is needed.

**TOWN ATTORNEY REPORT**

Town Attorney Robinson recommended the Town Board pass a local law adopting the Town of Ellery Park Rules. This will put the park rules into effect, with sanctions, if the rules are violated. Right now, these rules are only suggestions. A brief discussion followed. The Town Park Committee along with Mr. Hallberg will review/revise the current rules and set up a fine structure. Town Attorney Robinson stated he will draft the law.

Attorney Robinson also recommended the Town Board consider closing the Town of Ellery Park during the Eclipse so groups of people don't appear and use it as a staging area. It could be as simple as closing off the parking lots. A brief discussion followed. The Town Board feels this is a good idea.

**ADJOURNMENT**

Motion by Councilmember Cresanti, seconded by Councilmember Boughton: That the Town Board Meeting be adjourned at 7:48 PM.

Mr. Boughton – Aye  
Mr. Crist – Aye

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

Submitted by,



Jill J. Braund, RMC  
Ellery Town Clerk  
February 27, 2024