

STATE OF NEW YORK  
COUNTY OF CHAUTAUQUA  
TOWN OF ELLERY

)  
)  
)

SS

DECEMBER 12, 2023

MINUTES OF THE TOWN BOARD MEETING HELD TUESDAY, DECEMBER 12, 2023, 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 C. CRIST, COUNCILMEMBER  
DAVID W. BOUGHTON, COUNCILMEMBER

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: NEIL M. ROBINSON, TOWN ATTORNEY  
ANNE GOLLEY, ASSESSOR/ZONING OFFICER  
GREG HALLBERG, HIGHWAY SUPERINTENDENT  
JILL J. BRAUND, TOWN CLERK ELECT  
JILL P. COLBURN, DEPUTY TOWN CLERK EXTRODINAIRE

SUPERVISOR ANDERSON CALLED THE MEETING TO ORDER AT 6:00 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED.

**NOVEMBER 14, 2023 TOWN BOARD MEETING MINUTES - RECEIVED**

SUPERVISOR ANDERSON NOTED THAT THE NOVEMBER 14, 2023 TOWN BOARD MEETING MINUTES HAD BEEN RECEIVED.

**NOVEMBER REPORTS**

TOWN CLERK, REBECCA HAINES SUBMITTED HER NOVEMBER REPORT IN THE AMOUNT OF \$4,899.00. THE CHECK TO THE TOWN TOTALED \$4,648.74.

THE ZONING OFFICER'S NOVEMBER REPORT WAS REVIEWED AND DISCUSSED BY THE BOARD. ANNE GOLLEY NOTED THAT THE ZONING BOARD HAS JUST ENOUGH MEMBERS AND REQUESTED THAT BOARD MEMBERS THINK ABOUT SOMEONE TO BE AN ALTERNATE ON THE BOARD. SUPERVISOR ANDERSON NOTED THAT RON MAVITY HAD APPROACHED HIM ABOUT SERVING ON THE BOARD.

THE TOWN BOARD THEN REVIEWED THE NOVEMBER REPORTS SUBMITTED BY CEO, BOB SAMUELSON; ASSESSOR, ANNE GOLLEY; TOWN JUSTICES, FERRARA AND WALLACE, TOWN SUPERVISOR, LARRY ANDERSON AND DOG CONTROL OFFICER, JOHN STOW.

SUPERVISOR ANDERSON NOTED THAT ARCHITECT KARI BELOVARAC, WILL HAVE A FIRST DRAFT OF THE PROPOSED NEW TOWN HALL BY THE NEXT BOARD MEETING.

SUPERVISOR ANDERSON ALSO NOTED THAT HE HAD ATTENDED A MEETING OF THE CHAUTAUQUA COUNTY MAYORS/SUPERVISORS LAST WEEK AND THE GROUP HAS DECIDED TO MEET ON A REGULAR BASIS.

**PUBLIC**

1. BILL AND JULIE STEEN OF STEENER'S WERE PRESENT TO ASK IF THE TOWN BOARD HAD MADE A DECISION ON SELLING THEM THE TOWN PROPERTY THEY'RE INTERESTED IN PURCHASING.

THE TOWN BOARD BEGAN A LENGTHY DISCUSSION.

MOTION BY COUNCILMEMBER SCHLEMMER: THAT THE TOWN AUTHORIZE THE SALE OF THE SUBJECT PARCEL IN WHOLE OR IN PART(S). THERE WAS NO SECOND TO THE MOTION.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE TOWN BOARD DECLINES TO ACCEPT THE PURCHASE OFFER FROM BILL AND JULIE STEEN.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

TOWN CLERK, REBECCA HAINES NOTED THAT THE BOARD NEEDED TO MAKE A FINDING ON WHETHER THE PROPERTY HAS ANY PUBLIC USE AND/OR VALUE.

AS THE LAND IS PART OF THE BUILDING PROPERTY BOUGHT FOR HIGHWAY USE, HIGHWAY SUPERINTENDENT HALLBERG WAS CONSULTED AS TO WHETHER HE HAD ANY USE FOR THE PROPERTY AND MR. HALLBERG SAID THE HIGHWAY DEPARTMENT HAS NO USE FOR THE PROPERTY THAT HE CAN FORESEE.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRIST: THAT THE TOWN FINDS THAT OTHER THAN THE SNOW MOBILE TRAIL RUNNING THROUGH THE PROPERTY, THE LAND HAS NO PUBLIC VALUE AND/OR USE.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER BOUGHTON: THAT THE TOWN OF ELLERY ADVERTISE THE SUBJECT PROPERTY FOR SALE IN WHOLE OR IN PART AND THAT THE LEGAL NOTICE BE PUBLISHED TWICE IN THE POST-JOURNAL, ONCE THE FIRST WEEK OF JANUARY AND AGAIN THE FIRST WEEK OF FEBRUARY, AND THAT THE PURCHASE OFFERS MUST BE RECEIVED IN THE TOWN CLERK'S OFFICE BY THE CLOSE OF BUSINESS ON MARCH 1, 2024.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

2. JEFF MOLNAR, MAYOR OF BEMUS POINT – NOTED THAT HE HAS RECEIVED UPDATED INFORMATION ABOUT THE ROUTE 86 CHAUTAUQUA LAKE BRIDGE PROJECT. HE SAID THAT THE ORIGINAL PLAN HAD BEEN TO KEEP TWO WAY TRAFFIC OPEN DURING THE WINTER SEASONS 2024-25, BUT THAT HAS CHANGED AND THERE WON'T BE FULL USE OF BOTH LANES. HE WILL KEEP THE TOWN UPDATED AS MORE INFORMATION IS RECEIVED.
3. THOMAS AND DANIEL BALLING – PRESENTED AN INITIAL SPECIAL USE APPLICATION PACKAGE FOR THEIR REQUEST FOR A SPECIAL BUSINESS USE PERMIT TO CONVERT THE OLD FLUVANNA SCHOOL, 2887 FLUVANNA TOWNLINE ROAD, INTO A HOME FOR THE AGED (55 YEARS AND OLDER).

TOWN ATTORNEY ROBINSON NOTED THAT A **SEQR** MUST BE SUBMITTED TO THE TOWN BOARD.

AFTER SOME DISCUSSION, A MOTION WAS MADE BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT A PUBLIC HEARING ON THE SPECIAL USE PERMIT APPLICATION SUBMITTED BY THOMAS AND DANIEL BALLING, BE SCHEDULED FOR 7:00 PM, TUESDAY, JANUARY 9, 2024.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**6:45 PM – PUBLIC HEARING – LOCAL LAW #5 OF 2023**

SUPERVISOR ANDERSON OPENED THE PUBLIC HEARING AT 7:00 PM. THIS PUBLIC HEARING IS BEING HELD TO CONSIDER LOCAL LAW # 5 FOR 2023 – A LOCAL LAW PROVIDING FOR PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS UNDER SECTION 466-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

THERE WAS NO ONE PRESENT WHO WISHED TO ADDRESS THE BOARD ON THE ISSUE AND SUPERVISOR ANDERSON CLOSED THE PUBLIC HEARING.

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER SCHLEMMER: THAT THE TOWN ADOPT LOCAL LAW # 5 OF 2023 – A LOCAL LAW PROVIDING FOR PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS UNDER SECTION 466-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**NEW YORK STATE RETIREMENT RESOLUTION – REVISED**

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER BOUGHTON: THAT THE TOWN BOARD ADOPT THE STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS WITH TERMS OF OFFICE RUNNING 1/1/2019 THROUGH 12/31/2023, AS PER THE REQUEST FROM THE OFFICE OF THE STATE COMPTROLLER.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**BUDGET TRANSFERS/MODIFICATIONS**

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER CRIST: THAT THE FOLLOWING BUDGET TRANSFERS/MODIFICATIONS BE APPROVED:

\$36 FROM A1410.22 – TOWN CLERK – PERSONAL – DEPUTY TO A1410.4 – TOWN CLERK – CONTRACTUAL;  
\$12,215 FROM A 5132.4 – GARAGE – CONTRACTUAL – TO A1620.4 – BUILDING – CONTRACTUAL;

\$7,305 FROM A5132.4 – GARAGE – CONTRACTUAL – TO A9010.8 – EMPLOYEE BENEFITS – STATE RETIREMENT;

\$25 FROM A5132.4 – GARAGE – CONTRACTUAL TO A9045.8 – EMPLOYEE BENEFITS – LIFE INSURANCE;

\$9 FROM A5132.4 – GARAGE – CONTRACTUAL TO A9050.8 – EMPLOYEE BENEFITS – UNEMPLOYMENT;

BUDGET TRANSFER:

\$844 FROM B8010.11 – ZONING PERSONAL – ZONING BOARD TO B9010.8 – EMPLOYEE BENEFITS – STATE RETIREMENT

BUDGET TRANSFER:

\$3,654 FROM DA9060.8 – EMPLOYEE BENEFITS – HOSPITAL & MEDICAL TO DA9010.8 – EMPLOYEE BENEFITS – STATE RETIREMENT;

BUDGET TRANSFER:

\$8,970 FROM DB9060.8 – EMPLOYEE BENEFITS – HOSPITAL & MEDICAL TO DB5110.4 – GENERAL REPAIRS – CONTRACTUAL;

\$2,389 FROM DB9060.8 – EMPLOYEE BENEFITS – HOSPITAL & MEDICAL TO DB9010.8 – EMPLOYEE BENEFITS – STATE RETIREMENT

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**VOUCHERS**

MOTION WAS MADE BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER CRIST: THAT VOUCHER #'S 576 THROUGH 628, IN THE AMOUNT OF \$275,941.87, BE PAID AS AUDITED.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

### **LEGISLATOR'S REPORT**

COUNTY LEGISLATOR CHAGNON REPORTED: THE LEGISLATURE INCREASED THE 2023 BUDGET FOR SAFETY NET COSTS BY \$2.96 MILLION DUE TO INCREASED COSTS. SAFETY NET COSTS ARE FUNDED AT 28% STATE, 1% FEDERAL, AND 71% COUNTY. THE 2023 BUDGET FOR SAFETY NET COSTS WAS \$5.5 MILLION. SAFETY NET ASSISTANCE PROVIDES CASH ASSISTANCE TO ELIGIBLE NEEDY INDIVIDUALS AND FAMILIES WHO ARE NOT ELIGIBLE FOR FAMILY ASSISTANCE. FAMILY ASSISTANCE PROVIDES CASH ASSISTANCE TO ELIGIBLE NEEDY FAMILIES THAT INCLUDE A MINOR CHILD LIVING WITH A PARENT/PARENTS OR A CARETAKER RELATIVE. ELIGIBLE ADULTS ARE LIMITED TO RECEIVING BENEFITS FOR A TOTAL OF 60 MONTHS IN THEIR LIFETIME, INCLUDING MONTHS OF ASSISTANCE GRANTED IN OTHER STATES.

SAFETY NET IS FOR:

- SINGLE ADULTS
- CHILDLESS COUPLES
- CHILDREN LIVING APART FROM ANY ADULT RELATIVE
- FAMILIES OF PERSONS FOUND TO BE ABUSING DRUGS OR ALCOHOL
- FAMILIES OF PERSONS REGUSING DRUG/ALCOHOL SCREENING, ASSESSMENT OR TREATMENT
- NON-CITIIZENS WHO ARE ELIGIBLE FOR TEMPORARY ASSISTANCE, BUT WHO ARE NOT ELIGIBLE FOR FEDERAL REIMBURSEMENT

THE LEGISLATURE INCREASED THE 2023 BUDGET FOR MENTAL HYGIENE LAW BY \$500,000, WHICH IS FUNDED 100%BY THE COUNTY. THE 2023 BUDGET FOR MENTAL HYGIENE LAW WAS \$250,000. THIS PAYS THE COST OF CARE, MAINTENANCE, AND SERVICES IN NYS OFFICE OF MENTAL HEALTH FACILITIES FOR INDIVIDUALS DEEMED BY CRIMINAL COURTS OR FAMILY COURTS AS UNABLE TO STAND TRIAL.

### **HIGHWAY SUPERINTENDENT'S REPORT**

HIGHWAY SUPERINTENDENT HALLBERG NOTED THAT HIS DEPARTMENT HAS BEEN WORKING ON EQUIPMENT MAINTENANCE AND BECAUSE THE WEATHER HAS BEEN SO NICE, THE EMPLOYEES ARE REPLACING THE 4 X 6 POSTS AT THE TOWN PARK. THE CEMETERY WORK HAS BEEN FINISHED. THE GREENHURST AVENUE DRAINAGE PROJECT HAS PROGRESSED TO THE POST-OFFICE AND IF THE WEATHER ALLOWS MORE WORK WILL BE DONE THIS YEAR. THE DEPARTMENT WILL TRANSITION TO 2 SHIFTS WHEN NEEDED. MR. HALLBERG CONCLUDED HIS REPORT NOTING THAT THE NEW MOWER HAS BEEN RECEIVED.

**ATTORNEY'S REPORT**

MR. ROBINSON NOTED THAT THE TOWN HAS THE OPPORTUNITY TO INCREASE THE CURRENT VETERANS' EXEMPTION LEVELS OF:

WARTIME VETERANS LIMIT - \$6,000  
COMBAT VETERANS LIMIT - \$10,000  
DISABLED VETERANS LIMIT - \$20,000

TO: WARTIME VETERANS LIMIT - \$12,000  
COMBAT VETERANS LIMIT - \$20,000  
DISABLED VETERANS LIMIT - \$40,000

**INCREASE – VETERANS' EXEMPTION AMOUNTS**

MOTION BY COUNCILMEMBER BOUGHTON, SECOND BY COUNCILMEMBER CRIST: THAT THE TOWN INCREASE THE VETERANS' EXEMPTIONS TO THE PROPOSED LIMITS AS STATE ABOVE.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

MR. ROBINSON ALSO NOTED THAT HE HAD PREPARED A LICENSE AGREEMENT FOR THE JEFFERSON PROJECT (6 X 6 SHED ON TOWN PROPERTY) WITH CHAUTAUQUA INSTITUTION AND THAT THE AGREEMENT (AS APPROVED AT THE NOVEMBER MEETING) HAS BEEN SIGNED BY SUPERVISOR ANDERSON.

**REGISTRAR OF VITAL STATISTICS – APPOINTMENT**

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER BOUGHTON: THAT JILL J. BRAUND BE APPOINTED AS REGISTRAR OF VITAL STATISTICS FOR THE TOWN OF ELLERY WITH THE TERM BEGINNING JANUARY 1, 2024.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**REBECCA H. HAINES – RETIRING TOWN CLERK**

TOWN ATTORNEY ROBINSON AND TOWN SUPERVISOR ANDERSON NOTED THAT REBECCA HAINES IS RETIRING FROM HER POSITION AS TOWN CLERK, A POSITION SHE HAS HELD SINCE MAY 1, 1981, ALSO HAVING WORKED FOR THE TOWN AS DEPUTY TOWN CLERK SINCE 1980. BOTH MR. ROBINSON AND MR. ANDERSON THANKED TOWN CLERK HAINES FOR HER DEDICATION AND SERVICE NOT ONLY TO THEM BUT ALSO TO THE RESIDENTS OF THE TOWN OF ELLERY.

MS. HAINES NOTED THAT SHE HAS ENJOYED SERVING THE RESIDENTS OF THE TOWN AND HAS ALWAYS TRIED TO GUIDE HER SERVICE WITH THE FOLLOWING QUOTE FROM HENRY CLAY IN MIND:

**“GOVERNMENT IS A TRUST, AND THE OFFICERS OF THE GOVERNMENT ARE TRUSTEES; AND BOTH THE TRUST AND THE TRUSTEES ARE CREATED FOR THE BENEFIT OF THE PEOPLE”.**

**SET DATE – 2024 ORGANIZATIONAL MEETING AND TOWN BOARD MEETING**

AFTER SOME DISCUSSION, A MOTION WAS MADE BY COUNCILMEMBER BOUGHTON, SECOND BY COUNCILMEMBER CRIST: THAT THE 2024 TOWN ORGANIZATIONAL MEETING BE SCHEDULED FOR TUESDAY, JANUARY 9, 2024, AT 5:30 PM AND THE JANUARY BOARD MEETING BE SCHEDULED FOR TUESDAY, JANUARY 9, 2024 AT 6:00 PM.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON - AYE – MOTION CARRIED

**EMPLOYEE HANDBOOK**

AFTER SOME SPIRITED DISCUSSION, A MOTION WAS MADE BY COUNCILMEMBER CRESANTI,, SECOND BY COUNCILMEMBER BOUGHTON: THAT THE CURRENT REVISED EMPLOYEE HANDBOOK BE ADOPTED.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – NAYE  
MR. ANDERSON – AYE – MOTION CARRIED

**MISCELLANEOUS**

COUNCILMEMBER SCHLEMMER SAID THAT HE THINKS THAT THE EXPENSES FOR REDOING THE ASSESSOR’S OFFICE SHOULD BE ACCOUNTED FOR UNDER **ARPA** FUNDS. HE ALSO SAID HE IS STILL IN DISAGREEMENT WITH THE OCTOBER PAYMENT TO H H RAUH . HE ALSO SAID HE WANTS TO TALK AT THE NEXT BOARD MEETING ABOUT ACCOUNTS THAT ARE OVERDRAWN.

COUNCILMEMBER CRIST MENTIONED THE LETTER RECEIVED FROM DOUG CONROE, MAPLE SPRINGS FIRE DEPARTMENT, ABOUT THE NUMEROUS FIRE CALLS AT THE DAN LUTGEN PROPERTY ON MAPLE SPRINGS-ELLERY ROAD. THESE ABANDONED/CONDEMNED PROPERTIES ARE BECOMING A REAL CONCERN TO THE FIRE DEPARTMENTS. THERE WAS DISCUSSION.

**EXECUTIVE SESSION**

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER BOUGHTON: THAT THE TOWN BOARD GO INTO EXECUTIVE SESSION AT 8:04 PM FOR THE PURPOSE OF DISCUSSING THE HIGHWAY UNION CONTRACT.

MR. BOUGHTON – AYE  
MR. CRIST – AYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – AYE  
MR. ANDERSON – AYE – MOTION CARRIED

THE FOLLOWING INFORMATION WAS PROVIDED TO TOWN CLERK HAINES FROM TOWN COUNCILMEMBER CRESANTI:

**REGULAR SESSION**

THE TOWN BOARD LEFT EXECUTIVE SESSION AND RETURNED TO REGULAR SESSION

**APPROVE/ACCEPT – HIGHWAY CONTRACT**

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER BOUGHTON: THAT THE TOWN BOARD APPROVE THE AGREEMENT BETWEEN THE TOWN OF ELLERY HIGHWAY DEPARTMENT AND TEAMSTERS LOCAL 264 BUFFALO, NEW YORK, AN AFFILIATE OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, EFFECTIVE JANUARY 1, 2024 – DECEMBER 31, 2026.

MR. BOUGHTON – AYE  
MR. CRIST – NAYE  
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSTAIN  
MR. ANDERSON – AYE – MOTION CARRIED

**ADJOURNMENT**

MOTION BY COUNCILMEMBER BOUGHTON, SECOND BY COUNCILMEMBER CRESANTI: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 8:35 PM. THE MOTION WAS CARRIED

SUBMITTED BY, ONE LAST TIME!



REBECCA H. HAINES, RMC/MMC  
TOWN CLERK

/RHH