

TOWN BOARD MEETING

DECEMBER 9, 2021

AGENDA

1. NOVEMBER 2021 TOWN BOARD MEETING MINUTES
2. REPORTS: TOWN CLERK, ZONING OFFICER, CODE ENFORCEMENT OFFICER, ASSESSOR,
TOWN JUSTICES, TOWN SUPERVISOR
3. PUBLIC:
DAVID MARSHALL,
DONALD TRAYNOR
4. BUDGET AMENDMENTS/FUND TRANSFERS
5. VOUCHERS
6. LEGISLATOR'S REPORT
7. HIGHWAY SUPERINTENDENT'S REPORT
8. ATTORNEY'S REPORT
9. SET DATES: 2022 ORGANIZATIONAL MEETING AND JANUARY BOARD MEETING
10. MISCELLANEOUS, COMMITTEE REPORTS AND CORRESPONDENCE

TOWN CELL PHONE USE POLICY

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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NOVEMBER 4, 2021

MINUTES OF THE PUBLIC HEARING FOR THE PROPOSED 2022 PRELIMINARY BUDGET. THE PUBLIC HEARING WAS SCHEDULED FOR 5:15 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN
STEVEN K. HAYES, COUNCILMAN

ABSENT: MARK R. SCHLEMMER, COUNCILMAN

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: JILL J. BRAUND, DEPUTY TOWN CLERK
ANNE GOLLEY, ASSESSOR
GREG HALLBERG, HIGHWAY SUPINTENDENT

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 5:12 PM. THERE WAS NO ONE PRESENT FROM THE PUBLIC.

THE PUBLIC HEARING STARTED OFF BY COUNCILMAN CRESANTI SAYING THAT HE AND THE OTHER BOARD MEMBERS WHO HAD BEEN MEETING IN THE SUPERVISOR'S OFFICE HAD AGREED ON SOME CHANGES AND HAVING BEEN TOLD TO FIX IT HE MADE THE MOTION TO APPROVE THE FOLLOWING CHANGES:

THERE WAS NO SECOND TO THE MOTION BECAUSE TOWN CLERK HAINES AND DEPUTY TOWN CLERK BRAUND SAID THEY HAD SOME QUESTIONS AND COMMENTS ABOUT THE BUDGET AS PRESENTED.

DEPUTY TOWN CLERK BRAUND SAID SHE WAS VERY DISAPPOINTED AND FRUSTRATED THAT THE \$40,000 SALARY SHE THOUGHT SHE WAS TO RECEIVE NEXT YEAR HAD BEEN CHANGED TO \$37,800 WITHOUT ANY EXPLANATION. THE BUDGET HAD BEEN RECEIVED BY TOWN CLERK HAINES AND THE \$40,000 SALARY WAS NOTED BY BOTH MS. HAINES AND MRS. BRAUND. MRS. BRAUND SAID WHEN SHE RETURNED FROM LUNCH THERE WAS ANOTHER BUDGET WITH HER SALARY BEING CHANGED BACK TO \$37,800 AND THAT WAS THE ONLY LINE ITEM THAT CHANGED. WHEN MRS. BRAUND ASKED WHO CHANGED IT SHE DID NOT RECEIVE AN ANSWER.

THERE WAS DISCUSSION AND SUGGESTIONS ABOUT SOME LINE ITEM CHANGES AND THE SUPERVISOR AND TOWN BOARD MEMBERS PRESENT WERE ALL IN AGREEMENT WITH THE FOLLOWING:

THE \$25,000 PAYMENT FOR THE HEAVY RESCUE TRUCK PURCHASED BY BEMUS POINT FIRE DEPARTMENT SHOULD BE APPROPRIATED UNDER THE BEMUS POINT FIRE PROTECTION SPECIAL DISTRICT AS OPINED BY THE NEW YORK STATE COMPTROLLER. IT WAS ALSO NOTED THAT THE FIRE DEPARTMENT WAS NOT ASKING FOR ANY INCREASE FOR THE 2022 BUDGET YEAR THEREFORE THE 3% INCREASE SHOULD BE REMOVED.

THE TOWN BOARD PERSONAL SERVICES ACCOUNT WILL INCREASE BY \$.02 SO THAT IT WON'T BE NECESSARY TO HAVE A FUND TRANSFER AT THE END OF THE YEAR.

THE SALARY FOR THE COURT CLERK WILL BE \$37,500.

THE SALARY FOR THE DEPUTY TOWN CLERK WILL BE \$40,000.

THE SALARY FOR THE TOWN CLERK WILL BE \$56,700.

THE SALARY FOR THE DOG CONTROL OFFICER WILL BE \$4,572

THE SALARY FOR THE CEMETERY SEXTON WILL BE \$4,000

THE SALARY FOR THE HIGHWAY SUPERINTENDENT WILL BE \$63,300.

THE FEES FOR RECORDS MANAGEMENT AND REGISTRAR WILL BE ADJUSTED TO REFLECT THE 5% INCREASE OTHERS HAVE RECEIVED.

THE YOUTH RECREATION APPROPRIATION CURRENTLY IN THE A FUND WILL BE TRANSFERRED TO THE B FUND AS THE VILLAGE ALSO PAYS TOWARD THE JOINT YOUTH RECREATION PROGRAM.

AS PER HIGHWAY SUPERINTENDENT HALLBERG'S REQUEST THE SNOW REMOVAL CONTRACTUAL ACCOUNT WILL BE INCREASED TO \$145,000

THE HIGHWAY APPROPRIATIONS – OUTSIDE VILLAGE GENERAL REPAIRS CONTRACTUAL WILL BE SET AT \$330,000 PER MR. HALLBERG'S REQUEST BECAUSE FUEL HAS INCREASED SO MUCH.

ALL TOWN EMPLOYEES WILL BE PAID \$20 PER MONTH WHEN/IF THEY USE THEIR PERSONAL CELL PHONES FOR WORK. THE TOWN WILL BE ADOPTING A POLICY ON THIS.

THE ASSESSOR, TOWN CLERK AND DEPUTY TOWN CLERK WERE GIVEN THE GO AHEAD TO PURCHASE NEW COMPUTER EQUIPMENT OUT OF THE 2021 TOWN BUDGET. THE QUOTE FROM SOUTHERN TIER GRAPHICS WILL BE REVIEWED AT THE NEXT MEETING.

NOTING THAT THE COST OF THE EMPLOYEE INSURANCE HAS DECREASED AND THE BENEFITS ARE NOT AS GOOD NOW THAT THERE IS A CO-PAY, SOME EMPLOYEES HAVE ASKED IF THE EMPLOYEE CONTRIBUTION CAN REMAIN AT 16%. THERE WAS NO ANSWER GIVEN.

SUPERVISOR JOHNSON ASKED TOWN CLERK HAINES TO SEND OVER THE CHANGES TO LAURA AT BAHGAT & LAURITO-BAHGAT AND MS. HAINES SAID NO, BUT THAT SHE WOULD WORK WITH ONE OF THE COUNCILMAN ON THE CHANGES AND COUNCILMAN CRESANTI SAID HE WOULD COME TO THE OFFICE FRIDAY MORNING (NOVEMBER 5TH) AND TOGETHER THEY WILL MAKE THE AGREED CHANGES AND THEN THE BUDGET CAN BE SENT TO LAURA.


ADJOURNMENT

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE BOARD
ADJOURN THE PUBLIC HEARING AT 6:30 PM.

MR. ANDERSON – AYE
MR. HAYES – AYE
MR. SCHLEMMER - ABSENT

MR. CRESANTI – AYE
MR. JOHNSON – AYE – MOTION CARRIED

SUBMITTED:


REBECCA H. HAINES, MMC
TOWN CLERK

/RHH

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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NOVEMBER 10, 2021

MINUTES OF THE TOWN BOARD MEETING HELD WEDNESDAY, NOVEMBER 10, 2021, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:34 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN

ABSENT: STEVEN K. HAYES, COUNCILMAN
MARK R. SCHLEMMER, COUNCILMAN

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: ANNE GOLLEY, ASSESSOR/ZONING OFFICER
NEIL M. ROBINSON, TOWN ATTORNEY
JILL J. BRAUND, DEPUTY TOWN CLERK

SUPERVISOR JOHNSON CALLED THE MEETING TO ORDER AT 7:34 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED

OCTOBER 14, 2021 – TOWN BOARD MEETING MINUTES

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE OCTOBER 14, 2021 MEETING WERE PRESENTED.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE - MOTION CARRIED

OCTOBER REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER OCTOBER REPORT IN THE AMOUNT OF \$7,263.00. THE CHECK TO THE TOWN TOTALED \$6,891.15. TOWN CLERK HAINES INFORMED THE BOARD THAT BEGINNING NOVEMBER 19, 2021, LOCAL GOVERNMENTS MUST MAKE ANY RECORDS UP FOR DISCUSSION AT AN UPCOMING MEETING AVAILABLE TO THE PUBLIC UPON REQUEST AND POSTED ON THEIR WEBSITE AT LEAST 24 HOURS BEFORE THE MEETING TO THE EXTENT PRACTICABLE. MS. HAINES SAID SHE HAS TALKED WITH SARAH PHEARSDORF OF SOUTHERN TIER WEST WHO TAKES CARE OF THE TOWN'S WEBSITE POSTING AND MS. PHEARSDORF HAS SAID THAT GIVEN THE FACT THAT SHE HAS 80 MUNICIPALITIES TOTAL SHE WON'T BE ABLE TO CONTINUE POSTING FOR EVERYONE AND STW WILL HAVE TO INCREASE THE AMOUNT CHARGED TO THOSE WHO DO. THERE IS A POSSIBILITY OF THE TOWN TAKING OVER IF SOMEONE WAS WILLING TO BE TRAINED. MS. HAINES AND MRS. BRAUND BOTH SAID THEY DON'T KNOW AT THIS POINT IF THEY WANT TO BE TRAINED. COUNCILMAN ANDERSON THE TOWN MAY HAVE TO HIRE SOMEONE.

THE TOWN BOARD ALSO RECEIVED THE OCTOBER REPORTS FROM THE ZONING OFFICER, CODE ENFORCEMENT OFFICER, TOWN JUSTICES, ASSESSOR AND SUPERVISOR.

AFTER DISCUSSING THE ONGOING SITUATION WITH THE PAT LUCARIELLO PROPERTY ON ROUTE 430, A MOTION WAS MADE BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN FOLLOW THROUGH WITH THE COMPLAINTS RECEIVED AND FILE A CIVIL ACTION (SUPREME COURT) AGAINST PAT LUCARIELLO SEEKING AN INJUNCTION ON ALL ACTIVITIES GOING ON AT THE ROUTE 430 PROPERTY.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE - MOTION CARRIED

PUBLIC

1. JILL BRAUND, DEPUTY TOWN CLERK – EXPRESSED HER DISPLEASURE AND FRUSTRATION THAT THE SALARY OF \$40,000 AS AGREED UPON AT THE PRELIMINARY BUDGET HEARING ON THE 4TH OF NOVEMBER HAS AGAIN BEEN CHANGED TO \$37,800. MRS. BRAUND ASKED SUPERVISOR JOHNSON WHY/HOW THE SALARY WAS CHANGED AND MR. JOHNSON SAID HE DIDN'T KNOW BUT HE DIDN'T CHANGE IT. MRS. BRAUND SAID IF HE DIDN'T CHANGE IT THEN SOMEONE ELSE DID AND SHE WANTS TO KNOW WHO IT WAS.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE 2022 SALARY FOR THE DEPUTY TOWN CLERK BE SET AT \$40,000.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE - MOTION CARRIED

ADOPT 2022 PRELIMINARY BUDGET AS FINAL BUDGET

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE 2022 PRELIMINARY BUDGET AS AGREED UPON AT THE PUBLIC HEARING BE ADOPTED AS THE FINAL BUDGET FOR 2022.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – NAYE – MOTION FAILED

SUPERVISOR JOHNSON SAID HE IS CALLING A SPECIAL MEETING FOR NEXT WEDNESDAY EVENING. TOWN CLERK HAINES, DEPUTY TOWN CLERK BRAUND AND COUNCILMAN ANDERSON INDICATED THAT THEY WOULDN'T BE AVAILABLE NEXT WEDNESDAY EVENING.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE FOLLOWING FUND TRANSFERS BE APPROVED:

\$648 FROM A1990.4 – CONTINGENT TO A1110.4 – JUSTICES – CONTRACTUAL

\$126 FROM A1990.4 – CONTINGENT TO A1220.4 – SUPERVISOR – CONTRACTUAL

\$20 FROM A1990.4 – CONTINGENT TO A3510.4 – ANIMAL CONTROL – CONTRACTUAL

\$676 FROM A1990.4 – CONTINGENT TO A5010.11 – SUPERINTENDENT OF HIGHWAYS – PERSONAL
SERVICES – DEPUTY

\$1,827 FROM A1990.4 – CONTINGENT TO A7110.11 – PARKS – PERSONAL SERVICES – PART TIME

\$84 FROM A1990.4 – CONTINGENT TO A7110.4 – PARKS – CONTRACTUAL

\$11,784 FROM DA5120.4 BRIDGES – CONTRACTUAL TO DA5140.4 – MISC. BRUSH & WEEDS –
CONTRACTUAL, PER GREG'S REQUEST

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – NAYE – MOTION FAILED

LEGISLATOR'S REPORT

MR. CHAGNON REPORTED THAT THE COUNTY HAS RECEIVED AN AWARD PRESENTATION FROM THE CEO OF THREE+ONE FOR THE 3RD YEAR OF RECEIVING A CASHVEST SCORE OF GREATER THAN 90% FOR ALL FOUR QUARTERS. THREE+ONE PROVIDES LIQUIDITY ANALYSIS AND MANAGEMENT SERVICES RESULTING IN HIGHER INTEREST EARNINGS AND LOWER BANK FEES TO THOUSANDS OF MUNICIPALITIES NATIONWIDE. IN 2021 CHAUTAUQUA COUNTY WAS THE FIRST MUNICIPALITY EVER TO ACHIEVE A SCORE OF 100%! THE COUNTY HAD 100% OF AVAILABLE FUNDS EARNING INTEREST WITH INVESTMENTS AND SAVINGS WELL ALIGNED TO LIQUIDITY LEVELS AND EARNED AN EFFECTIVE INTEREST RATE OF 0.96% WHICH FAR EXCEEDED THE BENCHMARK 30-DAY TREASURY INDEX OF 0.02%.

THE LEGISLATURE REESTABLISHED THE COUNTY SEWER AGENCY FOR REVIEW AND RECOMMENDATION TO THE COUNTY LEGISLATURE OF THE PROPOSED PHASE 2 EXTENSION OF THE SOUTH & CENTER CHAUTAUQUA LAKE SEWER DISTRICTS FROM STOW TO PRENDERGAST CREEK.

THE LEGISLATURE APPROVED AND APPROPRIATED FUNDING TO THE FIRST 13 OF THE 43 PROJECTS IN THE APPROVED PLAN FOR THE AMERICAN RESCUE PLAN ACT.

THE LEGISLATURE AMENDED THE COUNTY EXECUTIVE'S TENTATIVE 2022 BUDGET AND ADOPTED THE 2022 BUDGET WHICH REFLECTS A REDUCTION IN THE FULL VALUE TAX RATE FROM \$8.51 TO \$8.10 PER THOUSAND, A 4.7% REDUCTION. COUPLED WITH THE TAX LEVY

DECREASE OF \$271K, THESE ARE HISTORIC REDUCTIONS THAT ARE STILL RELATIVELY CONSERVATIVE GIVEN OUR CONCERN FOR THE STILL TENUOUS STATE OF THE ECONOMY.

THE LEGISLATURE ADOPTED TWO MOTIONS CALLING ON ALL ELECTED OFFICIALS OF THE STATE OF NEW YORK AND THE UNITED STATES GOVERNMENT TO EXERCISE THEIR LEGISLATIVE AND EXECUTIVE POWERS WITHIN THE BOUNDS OF THEIR CONSTITUTIONAL AUTHORITY, AND CALLING ON ELECTED OFFICIALS OF THE STATE OF NEW YORK TO CONSIDER ALTERNATIVES TO VACCINATION MANDATES FOR HEALTHCARE WORKERS.

ATTORNEY'S REPORT

TOWN ATTORNEY ROBINSON SAID HE NEEDED A SHORT EXECUTIVE SESSION TO DISCUSS FURTHER THOUGHTS ON HIGHWAY DEPARTMENT NEGOTIATIONS NOW IN MEDIATION.

VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHERS #'S 511 THROUGH 564, WARRANT #11, IN THE AMOUNT OF \$177,606.51, BE PAID AS AUDITED.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

EXECUTIVE SESSION

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:18 PM TO DISCUSS HIGHWAY UNION MATTERS AS PER TOWN ATTORNEY ROBINSON'S REQUEST.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

REGULAR SESSION

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD RETURN TO REGULAR SESSION.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

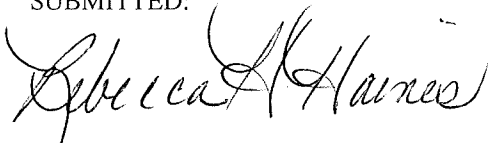
ADJOURNMENT

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 8:25 PM.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

SUBMITTED:

A handwritten signature in cursive script, reading "Rebecca H. Haines".

REBECCA H. HAINES, MMC
TOWN CLERK

/RHH

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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NOVEMBER 15, 2021

MINUTES OF THE TOWN BOARD MEETING HELD MONDAY, NOVEMBER 15, 2021, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 3:08 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN

ABSENT: STEVEN K. HAYES, COUNCILMAN
MARK R. SCHLEMMER, COUNCILMAN

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: ANNE GOLLEY, ASSESSOR/ZONING OFFICER
JILL J. BRAUND, DEPUTY TOWN CLERK

SUPERVISOR JOHNSON CALLED THE MEETING TO ORDER AT 3:08 PM.

REMOVAL – SALARY - DEPUTY SUPERVISOR

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE \$500 SALARY FOR THE DEPUTY SUPERVISOR BE REMOVED FROM THE 2022 BUDGET.

MR. ANDERSON – AYE	MR. SCHLEMMER – ABSENT
MR. HAYES – ABSENT	MR. JOHNSON – AYE – MOTION CARRIED
MR. CRESANTI – AYE	

PUBLIC HEARING AND MEETING

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT A MEETING AND PUBLIC HEARING BE SET FOR THURSDAY, NOVEMBER 18, 2021, TO CONSIDER LOCAL LAW # 3 OF 2021, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C.

MR. ANDERSON – AYE	MR. SCHLEMMER – ABSENT
MR. HAYES – ABSENT	MR. JOHNSON – AYE – MOTION CARRIED
MR. CRESANTI – AYE	

ADOPT 2022 PRELIMINARY BUDGET AS 2022 FINAL BUDGET

MOTION BY SUPERVISOR JOHNSON, SECOND BY COUNCILMAN CRESANTI: NOTING THAT THE DEPUTY SUPERVISOR SALARY OF \$500 WAS DELETED, THE DEPUTY TOWN CLERK'S SALARY HAS BEEN CORRECTED TO \$40,000 AND THE \$25,000 PAYMENT FOR THE HEAVY RESCUE TRUCK IS PROPERLY ALLOCATED TO THE BEMUS POINT FIRE PROTECTION SPECIAL DISTRICT, THE 2022 PRELIMINARY BUDGET AS PRESENTED (RECEIVED FROM LAURA LATE MORNING 11/15) BE ADOPTED AS THE FINAL BUDGET FOR 2022.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

COMPUTER PURCHASE – ASSESSOR, TOWN CLERK, DEPUTY TOWN CLERK

AFTER REVIEWING THE QUOTE FROM SOUTHERN TIER GRAPHICS, A MOTION WAS MADE BY COUNCILMAN ANDERSON, SECONDED BY SUPERVISOR JOHNSON: THAT THE ASSESSOR, TOWN CLERK AND DEPUTY TOWN CLERK ARE AUTHORIZED TO PURCHASE NEW COMPUTERS PER THE QUOTE PROVIDED BY SOUTHERN TIER GRAPHICS FOR A COST NOT TO EXCEED \$13,000.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

REQUEST FOR COMMUNICATION PERTAINING TO 2022 BUDGET – BAHGAT & LAURITO BAHGAT

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD IS ASKING TOWN ATTORNEY ROBINSON TO FOIL FOR OR OTHERWISE REQUEST ANY/ALL COMMUNICATION THE TOWN OFFICIALS HAVE HAD WITH BAGHAT & LAURITO BAHGAT CONCERNING THE 2022 BUDGET.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

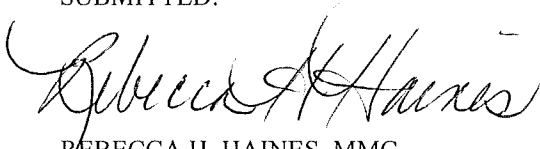
ADJOURNMENT

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 3.21 PM.

MR. ANDERSON – AYE
MR. HAYES – ABSENT
MR. CRESANTI – AYE

MR. SCHLEMMER – ABSENT
MR. JOHNSON – AYE – MOTION CARRIED

SUBMITTED:



REBECCA H. HAINES, MMC
CLERK

/RHH

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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NOVEMBER 18, 2021

MINUTES OF PUBLIC HEARING AND TOWN BOARD MEETING HELD THURSDAY, NOVEMBER 18, 2021, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 3:02 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
MARK R. SCHLEMMER, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN

ABSENT: STEVEN K. HAYES, COUNCILMAN

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: ANNE GOLLEY, ASSESSOR/ZONING OFFICER
JILL J. BRAUND, DEPUTY TOWN CLERK

SUPERVISOR JOHNSON CALLED THE MEETING TO ORDER AND OPENED THE PUBLIC HEARING AT 3:02 PM.

SUPERVISOR JOHNSON SAID HE HAD ASKED VILLAGE OF BEMUS POINT MAYOR, BRYAN DAHLBERG TO ATTEND THE MEETING AND TALK ABOUT THE HEAVY RESCUE PAYMENT. MAYOR DAHLBERG TALKED ABOUT FIRE DEPARTMENT FUNDING.

THERE WAS A LOT OF DISCUSSION ABOUT THE PROPER PLACEMENT OF THE APPROPRIATION FOR THE TRUCK PAYMENT. THE VILLAGE BUDGET CLEARLY SHOWS THE 2022 TRUCK PAYMENT.

ADOPTION – LOCAL LAW # 3 OF 2021

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN ADOPT LOCAL LAW #3 OF 2021 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C.

MR. ANDERSON – AYE	MR. SCHLEMMER – NAYE
MR. CRESANTI – AYE	MR. JOHNSON – AYE – MOTION CARRIED
MR. HAYES – ABSENT	

REAFFIRM – 2022 BUDGET ADOPTION

MOTION BY COUNCILMAN ANDERSON, SECONDED BY COUNCILMAN CRESANTI: THAT FOLLOWING THE ADVICE OF TOWN ATTORNEY ROBINSON THE TOWN BOARD REAFFIRM THE ADOPTION OF THE 2022 PRELIMINARY BUDGET AS THE FINAL BUDGET FOR 2022.

MR. ANDERSON – AYE	MR. SCHLEMMER – NAYE
MR. CRESANTI – AYE	MR. JOHNSON – AYE – MOTION CARRIED
MR. HAYES – ABSENT	

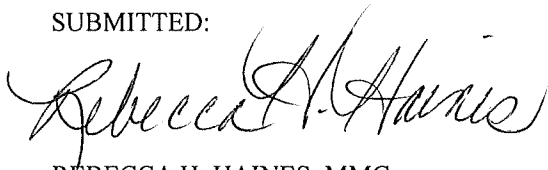
ADJOURNMENT

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD MEETING BE ADJOURNED.

MR. ANDERSON – AYE
MR. CRESANTI – AYE
MR. HAYES – ABSENT

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

SUBMITTED:

A handwritten signature in black ink, appearing to read "Rebecca H. Haines". The signature is written in a cursive, flowing style.

REBECCA H. HAINES, MMC
ELLERY TOWN CLERK

/RHH

TOWN CLERK'S MONTHLY REPORT

TOWN OF ELLERY, NEW YORK

NOVEMBER, 2021

TO THE SUPERVISOR:

PAGE 1

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255			
<u>7</u>	DECALS	<u>16.80</u>	
<u>1</u>	MARRIAGE LICENSES NO. 21015 TO 21015	<u>17.50</u>	
<u>1</u>	MARRIAGE CERTIFICATES	<u>10.00</u>	
<u>44</u>	DEATH CERTIFICATES	<u>440.00</u>	
TOTAL TOWN CLERK FEES			484.30
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A2192			
<u>1</u>	BURIAL	<u>925.00</u>	
<u>2</u>	CREMATIONS	<u>850.00</u>	
TOTAL A2192			1,775.00
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A2544			
<u>33</u>	DOG LICENSES	<u>195.00</u>	
TOTAL A2544			195.00
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B2110			
<u>8</u>	BUILDING PERMITS	<u>1,799.00</u>	
<u>1</u>	AREA VARIANCE	<u>30.00</u>	
TOTAL B2110			1,829.00
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TOWN CLERK'S MONTHLY REPORT

NOVEMBER, 2021

page 2

DISBURSEMENTS

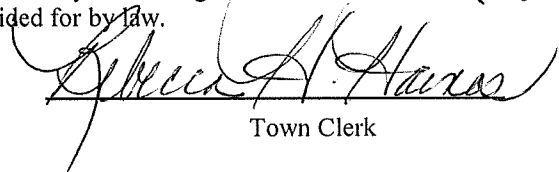
PAID TO SUPERVISOR FOR GENERAL FUND	<u>2,454.30</u>
PAID TO SUPERVISOR FOR PART TOWN FUND	<u>1,829.00</u>
PAID TO NYS DEC FOR DECALS	<u>207.20</u>
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	<u>45.00</u>
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	<u>22.50</u>
TOTAL DISBURSEMENTS	<u>4,558.00</u>

DECEMBER 3, 2021

_____, SUPERVISOR
ARDEN E JOHNSON

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

I, REBECCA H. HAINES, being duly sworn, says that I am the Clerk of the TOWN OF ELLERY that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.


Town Clerk

November 2021

\$1,799.00

Complaints (Continued)

Karen Johnson
SBL# 315.04-1-16
4383 Route 430

Fence Issues – Sent Violation Notice. 1) Fence was constructed, which does not follow the survey that was given to the Zoning Board of Appeals. 2) The fence was supposed to be a continuation of the neighbor's fence but it was constructed inches behind the neighbor's fence. 3) The portion of the fence that was constructed parallel with Route 430 is 4'7" further than the property line according to the survey marker that is physically located on the property. I have requested the survey that was recently done, and Ms. Johnson stated that she didn't receive any paperwork. As of October 30th, I never received an updated survey, or any paperwork in regards to going back to the Zoning Board of Appeals. Court date was set for November 23rd. Town Attorney was not present, and the Judge declined to hear any information. I did request for it to be the following Monday, November 30th to get the issue resolved, but the Judge adjourned to January 4th. As of December 2020, the Courts have been closed. Court was scheduled on July 26th, and Ms. Johnson's attorney requested an adjournment for August 23, 2021. Once again, Ms. Johnson's attorney requested another adjournment, the Court granted another one, and is now scheduled for September 20, 2021. Court has been adjourned until further notice, as Ms. Johnson is now taking the neighbor to Supreme Court regarding the property line. On October 14, 2021, Mr. Caruso presented a legal survey showing that Ms. Johnson's fence is located on his property, I presented to the Court, and waiting to hear back as to if we can still bring Ms. Johnson back into Court while they are going to Supreme Court as well. The survey clearly shows that Ms. Johnson is in the wrong in which the fence needs to be removed.

Meetings:

Town Board	11/10/2021
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Respectfully Submitted,



Anne Golley
Zoning Officer
December 6, 2021

Town of Ellery
Building and Code Enforcement
Monthly Report November 2021

December 6, 2021

December Mileage: 118 mi.

Building Permits Issued:

Certificates of Occupancy Issued: 0

Complaints Investigated: 5

- 11/1: Privateer Residence – Belleview Rd. – Insulation/Plumbing inspection – Passed
Steeners Pub – 3022 Rt. 430 – Site Inspection to confirm setbacks – OK
SULU – 3870 Rt. 430 – Complaint accumulation of junk – Violation notice sent.
ODOM 39785-39804 mi.
- 11/4: Kean Residence – 5613 Summit Ave. – Final Inspection for Porch – Passed
Kurtz Residence – 5551 Broadway Rd. – Follow up for Stop Work Order
ODOM 39813-39825 mi.
- 11/8: Klaich Residence – 3933 S. Nesmith Ave. – Slab Foundation Inspection – Passed
Klingensmith Residence – 3859 Rt. 430 – Final/ Addition & Deck – Passed
ODOM 39856-39862 mi.
- 11/11: Abraszek Residence – 3949 & 3951 S. Nesmith Ave. – Met with owner and potential
Buyer regarding future projects on the property.
Sivak Property – Brown Hill Rd. Rear – Inspection of poured concrete walls – Passed
ODOM 39882-39890 mi.
- 11/12: Lucariello Property – 4918 Rt. 430 – Follow up Inspection for removal of junk and
Camper. There is still junk that needs to be
Removed. The Camper has been moved to a
Different location on the property.

Town Office Extra

ODOM 39890-39902 mi.

**TOWN OF ELLERY
ASSESSOR'S OFFICE**

25 Sunnyside Avenue ▪ Bemus Point, New York 14712
Phone (716) 386-3465 Ext. 207 ▪ Fax (716) 386-6948

DATE: December 2, 2021

TO: Supervisor Johnson and Town Board

FROM: Anne Golley, Assessor

SUBJ: November Assessor's Report

In November the assessment roll has been forwarded to the County office for calculation of tax rates for Town and County tax bills. Chautauqua County Real Property Tax Service has informed us that the printing of the tax bills are on schedule and collectors should receive them timely to begin collection in January 2022.

The 2022 exemption renewals have been mailed out, and will all need to reapply with the Assessor's Office by March 1, 2022. There is the senior citizens exemption with an income of \$22,000 or less for the Aged exemption. There is the disability exemption with a total income of \$16,000 or less. Then the annual agricultural exemption renewals.

Thank you for all your continued support of the Assessor's office and wish you all a Merry Christmas and Happy New Year!

Parcel ID	Document Number	Deed Book	Deed Page	Current Owner	Prior Owner	Front	Depth	Sale Date	R/S	School Code	T/C	Assessed Land Total	AV YR
333.09-1-27 18 Merz Ave	0	2021	7020	Bemus Point Rentals LLC	Bemus Point Rentals LLC	83.82	82.50	10/1/2021	1	063601	1	\$15,600.00	2021
333.09-2-73 60 Lakeside Dr	0	2021	7063	Weatherup, Susan	Brann Rentals LLC	51.96	70.20	10/4/2021	1	063601	2	\$8,400.00	2021
333.09-2-72 4 Main St.	0	2021	7063	Schettine, William C.	Schettine, William C.	0	0	10/4/2021	1	063601	2	\$100,000.00	2021
316.17-1-42 318 Lakeside Dr	0	2021	7205	Weatherup, Susan	Weatherup, Susan	100.00	200.00	10/12/2021	1	063601	2	\$5,600.00	2021
316.17-1-8 Lakeside Dr	0	2021	7205	Schettine, William C.	Schettine, William C.	0	0	\$275,000.00	1	063601	2	\$70,000.00	2021
333.09-1-34 11 Elm St.	0	2021	7563	Paup, Mark A.	Paup, Mark A.	0	0	10/12/2021	1	063601	2	\$64,200.00	2021
				Boor, William C.	Boor, William C.	0	0	\$995,000.00	1	063601	2	\$395,000.00	2021
				Vishnia Revoc Trust dtd 9/30/21, Diane	Vishnia Revoc Trust dtd 9/30/21, Diane	50.00	100.00	10/29/2021	1	063601	1	\$60,000.00	2021
				Vishnia, Diane L.	Vishnia, Diane L.	0	0	\$1.00	0	063601	1	\$11,500.00	2021
												\$153,800.00	2021

Parcel ID	Document Number	Deed Date	Deed Book Page	Current Owner	Prior Owner	Front Acres	Depth	Sale Date	R/S Val	School Code	T/C NPCL	Assessed Land Total	AV YR
333.13-4-3	0	2021	6330	Murray, Thomas Jr.	Brann Rentals LLC	146.00	81.00	9/3/2021	1	063601	2	\$26,800.00	2021
3985 S. Oriental Ave	9/3/2021							\$200,000.00	1	411		\$140,000.00	2021
333.13-4-10	0	2021	6330	Murray, Thomas Jr.	Brann Rentals LLC	0	0	9/3/2021	1	063601	2	\$600.00	2021
S. Oriental Ave	9/3/2021							\$200,000.00	1	311		\$600.00	2021
368.12-2-13	0	2021	6346	Jones, Leal E.	Furrow, Mazie	100.00	42.00	9/2/2021	1	063601	1	\$12,500.00	2021
3779 Heineman Rd	9/2/2021							\$1.00	0	210		\$55,000.00	2021
281.17-1-2	0	2021	6348	Bennett, Robert	Dorr, Estate of, James J.	100.00	250.00	9/2/2021	1	063601	2	\$31,100.00	2021
Overlook Ave	9/2/2021							\$1.00	0	210		\$163,000.00	2021
281.17-1-3.2	0	2021	6348	Bennett, Robert	Dorr, Estate of, James J.	0	0	9/2/2021	1	063601	2	\$9,500.00	2021
Overlook Ave	9/2/2021							\$1.00	0	312		\$14,500.00	2021
298.19-1-27	0	2021	6353	Bodway, Jacob	S&L Property Development, LLC	106.10	206.20	9/2/2021	1	063601	1	\$9,000.00	2021
Broadway Rd	9/2/2021							\$20,000.00	1	311		\$9,000.00	2021
351.03-1-16	0	2021	6362	Adams, Ashley L.	Adams, George A.	100.00	340.00	9/2/2021	1	063601	1	\$14,000.00	2021
3447 Bellevue Rd	9/2/2021							\$1.00	0	270		\$18,200.00	2021
334.00-2-9	0	2021	6398	France, Raymond D.	MacCallum, Tiffany A.	0	0	9/3/2021	1	063601	1	\$16,800.00	2021
4149 Maple Grove Rd	9/3/2021							\$176,500.00	1	210		\$87,800.00	2021
335.00-1-2	0	2021	6405	Warner, Jarred A.	Thomas, Jeffrey A.	0	0	9/3/2021	1	063601	1	\$29,200.00	2021
Savanna-Townline Rd	9/3/2021							\$20,000.00	1	322		\$29,200.00	2021
351.03-2-2	0	2021	6408	Harmon, John F.	Cannone, Dominick	0	0	9/3/2021	1	063601	1	\$39,300.00	2021
3409 Dittwood Rd	9/3/2021							\$612,000.00	1	210		\$254,000.00	2021
333.18-2-15	0	2021	6450	Thompson, Jack O.	Thompson, Jack O.	0	0	9/8/2021	1	063601	3	\$75,000.00	2021
Shore Acres Dr	9/8/2021							\$1.00	0	311 W		\$75,000.00	2021
333.18-2-16	0	2021	6450	Thompson, Jack O.	Thompson, Jack O.	50.00	140.00	9/8/2021	1	063601	3	\$68,800.00	2021
3983 Route 430	9/8/2021							\$1.00	0	210 W		\$125,000.00	2021
333.18-2-18	0	2021	6450	Thompson, Jack O.	Thompson, Jack O.	0	0	9/8/2021	1	063601	3	\$500.00	2021
Route 430	9/8/2021							\$1.00	0	311		\$500.00	2021
301.00-1-33.1	0	2021	6517	Front Porch Promise Farm, LLC	Medel, Richard C.	0	0	9/10/2021	1	063601	2	\$105,600.00	2021
4609 Fivanna-Townline Rd	9/10/2021							\$1.00	0	105		\$105,600.00	2021
299.00-2-35	0	2021	6522	Gustafson, Kevin M.	Marso, David A.	250.00	350.00	9/10/2021	1	063601	2	\$16,800.00	2021
4594 Mahanna Rd	9/10/2021							\$65,000.00	1	312		\$33,000.00	2021
299.00-2-36.3	0	2021	6522	Gustafson, Kevin M.	Marso, David A.	0	0	9/10/2021	1	063601	2	\$20,600.00	2021
Mahanna Rd	9/10/2021							\$65,000.00	1	311		\$20,600.00	2021
350.07-2-8	0	2021	6555	Melquist, Joshua	Maloney, Kaitlin	215.00	90.00	9/13/2021	1	063601	1	\$28,300.00	2021
4664 Anderson Dr.	9/13/2021							\$1.00	0	210		\$150,000.00	2021

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333.14-1-38	0	2021	6577	Zatz, Joseph	Strauss, Roasamond	50.00	80.00	9/13/2021	1	T	063601	1	\$9,200.00	2021
3944 S. Nesmith Ave	9/13/2021						0	\$245,000.00	1		210	1	\$122,900.00	2021
333.18-1-1	0	2021	6586	Bingaman, Seth B.	Glasper, Robert T.	90.00	85.00	9/13/2021	1	T	063601	1	\$180,000.00	2021
4008 Bonus Creek Rd	9/13/2021						0	\$389,000.00	1		210 W	1	\$250,000.00	2021
333.00-1-43	0	2021	6766	Weiss, JoCleta	Holmes, Samuel Louis	0	0	9/22/2021	1	T	063601	2	\$5,000.00	2021
Anderson Dr.	9/22/2021						0	\$180,000.00	1		311	2	\$5,000.00	2021
333.00-1-42	0	2021	6766	Weiss, JoCleta	Holmes, Samuel Louis	195.00	145.00	9/22/2021	1	T	063601	2	\$11,700.00	2021
376 S Westman Rd	9/22/2021						0	\$180,000.00	1		210	2	\$111,000.00	2021
368.07-2-51.1	0	2021	6783	Comerford, James III.	Mascia, Brett A.	0	0	9/22/2021	1	T	063601	3	\$20,000.00	2021
Jamestown Ave	9/22/2021						0	\$625,000.00	1		311 W	3	\$20,000.00	2021
368.07-2-53.1	0	2021	6783	Comerford, James III.	Mascia, Brett A.	80.00	60.00	9/22/2021	1	T	063601	3	\$13,500.00	2021
3015 Jamestown Ave	9/22/2021						0	\$625,000.00	1		210	3	\$147,000.00	2021
368.07-2-52.1	0	2021	6783	Comerford, James III.	Mascia, Brett A.	0	0	9/22/2021	1	T	063601	3	\$240,000.00	2021
Jamestown Ave	9/22/2021						0	\$625,000.00	1		311 W	3	\$240,000.00	2021
298.00-2-50	0	2021	6815	Muecke, Bryan	Spencer, Robin R.	0	2.40	9/23/2021	1	T	063601	1	\$17,500.00	2021
4862 Lewis Rd	9/23/2021						0	\$58,000.00	1		210	1	\$53,900.00	2021
333.19-1-34	0	2021	6853	Grunthaus, LLC	Hanaway, Scott Michael	73.00	284.00	8/24/2021	1	T	063601	1	\$146,000.00	2021
3307 Route 430 Rer	8/24/2021						0	\$805,523.00	1		210 W	1	\$464,000.00	2021
350.07-2-11	0	2021	6973	Burns, Michael J.	Derby, Scott E.	88.80	256.00	9/30/2021	1	T	063601	1	\$30,300.00	2021
3680 Carmen Dr.	9/30/2021						0	\$380,000.00	1		210	1	\$261,000.00	2021
282.00-1-58.2	0	2021	7045	Roessler Family Irrev Trust	Roessler, Charles W.	0	0	10/4/2021	1	T	063601	1	\$16,800.00	2021
4697 Luce Rd	10/4/2021						0	\$1.00	0		210	1	\$202,400.00	2021
351.00-1-14	0	2021	7092	Martin, Zachary	McCabe, Julie	0	2.00	10/5/2021	1	T	063601	1	\$16,800.00	2021
3592 Bellevue Rd	10/5/2021						0	\$148,999.00	1		210	1	\$75,000.00	2021
351.00-1-17	0	2021	7093	Martin, Zachary	McCabe, Julie	0	2.00	10/5/2021	1	T	063601	1	\$21,400.00	2021
Bellevue Rd Rer	10/5/2021						11.90	\$1.00	0		322	1	\$21,400.00	2021
350.07-2-26	0	2021	7186	Colburn, Craig W.	Colburn, Bruce L.	102.00	237.00	10/12/2021	1	T	063601	1	\$204,000.00	2021
3665 Crestview Dr.	10/12/2021						0	\$1.00	0		210 W	1	\$425,600.00	2021
351.00-3-41	0	2021	7202	Hempel, James	RBCO Group, LLC	0	0	10/12/2021	1	T	063601	2	\$700.00	2021
Dutch Hollows Rd	10/12/2021						0	\$115,000.00	1		312	2	\$1,400.00	2021
351.00-3-42	0	2021	7202	Hempel, James	RBCO Group, LLC	156.00	159.00	10/12/2021	1	T	063601	2	\$8,500.00	2021
3209 Dutch Hollows Rd	10/12/2021						0	\$115,000.00	1		210	2	\$80,000.00	2021
299.00-2-38	0	2021	7230	Morning Glory Inn, LLC	Crimmen, Blair J.	0	0	10/13/2021	1	T	063601	2	\$8,500.00	2021
4766 Maple Springs	10/13/2021						0	\$1.00	0		312	2	\$53,900.00	2021
Ellery Rd														

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299.00-2-50.2	0	2021	7230	Morning Glory Inn, LLC	Crimmen, Blair J.	0	0	10/13/2021	1	063601	2	\$66,100.00	2021
4766 Maple Springs - Ellery Rd	0	2021	7252	Hilburger, Robert	Glass, Edward F.	0	0	10/13/2021	1	063601	2	\$496,100.00	2021
333.13-3-42	0	2021	7252	Hilburger, Robert	Glass, Edward F.	0	0	\$235,000.00	1	063601	2	\$500.00	2021
S. Everett Ave	0	2021	7252	Hilburger, Robert	Glass, Edward F.	50.00	95.00	10/13/2021	1	063601	2	\$10,900.00	2021
333.13-3-43	0	2021	7252	Glass, Edward F.	Resek, Scott D.	100.00	108.00	\$235,000.00	1	063601	2	\$79,000.00	2021
3945 S Everett Ave	0	2021	7297	McChesney, Kathleen	Resek, Scott D.	0	0	10/15/2021	1	063601	2	\$182,000.00	2021
315.11-1-74	0	2021	7297	McChesney, Kathleen	Resek, Scott D.	0	0	\$550,000.00	1	063601	2	\$276,700.00	2021
4507 Warner Bay	0	2021	7338	Skinner, Michael W.	Skinner, Jack W.	0	0	10/15/2021	1	063601	2	\$3,000.00	2021
315.11-1-75.2	0	2021	7338	Skinner, Jack W.	Hillerby, Douglas	0	0	\$550,000.00	1	063601	2	\$3,000.00	2021
Warner Bay	0	2021	7346	Meier, Earl	Meier, Earl	5.00	0	10/18/2021	0	063601	1	\$22,200.00	2021
317.00-1-34	0	2021	7379	Meatier-Rite, LLC	Lawson, Sally Marie	0	0	\$1.00	0	063601	1	\$114,600.00	2021
3932 Salisbury Rd	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	10/19/2021	1	062601	1	\$13,300.00	2021
283.00-2-3	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	7.40	0	\$14,000.00	1	063601	3	\$13,300.00	2021
Slide-Joslyn Rd	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	\$200,000.00	0	063601	3	\$2,600.00	2021
351.17-1-1	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	\$200,000.00	0	063601	3	\$2,600.00	2021
Route 430	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	10/20/2021	1	063601	3	\$43,800.00	2021
351.17-1-34	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	\$200,000.00	0	063601	3	\$43,800.00	2021
Route 430	0	2021	7379	Lawson, Sally Marie	Meatier-Rite, LLC	0	0	10/20/2021	1	063601	3	\$38,100.00	2021
351.03-1-15	0	2021	7379	Lawson, Sally Marie	Johnson, Donna	2.70	0	\$200,000.00	0	063601	3	\$213,000.00	2021
4360 Bellevue Hills	0	2021	7396	Johnson, Robert A.	Johnson, Robert A.	50.00	100.00	10/21/2021	1	063601	2	\$11,500.00	2021
333.13-3-86	0	2021	7396	Johnson, Robert A.	Johnson, Robert A.	0	0	\$1.00	0	063601	2	\$98,000.00	2021
39705 Harold Ave	0	2021	7396	Johnson, Robert A.	Johnson, Robert A.	0	0	10/21/2021	1	063601	2	\$500.00	2021
333.13-3-87	0	2021	7396	Johnson, Robert A.	Johnson, Robert A.	0	0	\$1.00	0	063601	2	\$4,700.00	2021
S Harold Ave	0	2021	7399	Bruce, Robert W.	Payne, Anthony	0	0	10/21/2021	1	063601	1	\$20,600.00	2021
334.00-1-12	0	2021	7399	Payne, Anthony	Sesto, Todd M.	4.10	77.00	\$50,000.00	1	063601	1	\$31,900.00	2021
4299 Maple Grove Rd	0	2021	7408	McClain, Thomas E.	Paterniti, Adam	0	0	10/21/2021	1	063601	1	\$20,100.00	2021
288.14-5-21	0	2021	7408	Paterniti, Adam	Carlson, Amber	0	0	\$395,000.00	1	062601	1	\$154,000.00	2021
5668 Forest Lawn Ave	0	2021	7438	Carlson, Amber	Oliverio, Anthony	25.00	0	10/22/2021	1	063601	1	\$58,200.00	2021
265.00-1-15	0	2021	7438	Oliverio, Anthony	Montesanto, John	0	0	\$146,000.00	1	063601	1	\$95,000.00	2021
5557 Ellery - Central Ave	0	2021	7456	Montesanto, John	Morgenstern, Heidi	0	0	10/25/2021	1	063601	1	\$8,100.00	2021
298.00-1-9.4	0	2021	7456	Morgenstern, Heidi	Kyser, Heather	2.70	0	\$1.00	0	063601	1	\$8,100.00	2021
4831 Lewis Rd	0	2021	7481	Qquist, Marvin G.	Qquist, Marvin G.	0	0	10/26/2021	1	063601	3	\$2,500.00	2021
368.08-2-21	0	2021	7481	Qquist, Marvin G.	Qquist, Marvin G.	0	0	\$1.00	0	063601	3	\$2,500.00	2021
Heinemann Rd Rear	0	2021	7481	Qquist, Marvin G.	Qquist, Marvin G.	0	0	\$1.00	0	063601	3	\$2,500.00	2021

Real Property System
Sales Transmittal Report

State of New York
County of Chautauqua
Town of Ellery
SWIS Code - 063689

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368.08-2-19 <i>Heinemann Rd</i>	0	10/26/2021	2021	7481	Morgenstern, Heidi;	Kyser, Heather	0	0	0	10/26/2021	1	053601	3	\$700.00	2021
368.08-2-20 <i>2833 Heinemann Rd</i>	0	10/26/2021	2021	7481	Oquist, Marvin G.	Oquist, Marvin G.	71.00	288.00	0	\$1.00	0	063601	3	\$700.00	2021
368.08-2-31 <i>2869 Greenhurst Ave</i>	0	10/26/2021	2021	7502	Morgenstern, Heidi;	Kyser, Heather	50.00	100.00	0	\$1.00	0	063601	1	\$26,000.00	2021
368.08-2-31 <i>333.18-2-43</i>	0	10/26/2021	2021	7507	Oquist, Marvin G.	Oquist, Marvin G.	0	0	0	\$35,000.00	0	063601	5	\$95,000.00	2021
368.08-2-36 <i>3943 Route 43D</i>	0	10/26/2021	2021	7507	McCulloch, Robert T.	McCulloch, Robert T.	0	0	0	10/26/2021	1	063601	5	\$13,700.00	2021
368.08-2-9 <i>3943 Route 43D</i>	0	10/26/2021	2021	7507	Stafford, Mary Gladys	Stafford, Mary Gladys	40.00	140.00	0	\$1.00	0	063601	5	\$59,000.00	2021
368.08-2-9 <i>4264 Sullivan Rd</i>	0	10/28/2021	2021	7538	Olson, Theresa L.;	Trapani, Melinda L	0	0	8.30	10/26/2021	1	063601	1	\$2,500.00	2021
					Walzer, Frank T.	Walzer, Frank T.				\$1.00	0	063601	5	\$2,500.00	2021
					Olson, Theresa L.;	Trapani, Melinda L				10/26/2021	1	063601	5	\$80,000.00	2021
					Walzer, Frank T.	Walzer, Frank T.				\$1.00	0	260 W	5	\$172,000.00	2021
					Harrison, Kaila	Harrison, Kaila				10/28/2021	1	063601	1	\$28,100.00	2021
					Lewis, James L.	Lewis, James L.				\$30,000.00	1	312	1	\$33,100.00	2021

TOWN OF ELLERY JUSTICE REPORT
NOVEMBER 2021

JUSTICE FERRARA	FINES	\$ 4,231.00
	CIVIL FEES	\$ 70.00
	<u>SURCHARGES</u>	<u>\$ 2,217.00</u>
Check #174	TOTAL	\$ 6,518.00

JUSTICE WALLACE	FINES	\$ 4,751.00
	CIVIL FEES	\$ 0.00
	<u>SURCHARGES</u>	<u>\$ 2,375.00</u>
Check #165	TOTAL	\$ 7,126.00

Respectfully,



Deanna S. Crossley
Ellery Court Clerk

december 2021

et cetera

A member-focused, digital round-up
of breaking news and timely updates

Calendar of Upcoming Events

The Most Wonderful Time of the Year - A Tax Collection Primer

- When: December 9, 2021 10 a.m.
 - How: Register for this live event [here](#)
- Time to prepare for your favorite time of year- the upcoming tax collection season! This hour-long interactive session is suitable for new and veteran collecting officers alike, as it will cover the foundations of the tax collection process as well as some of the more interesting issues that may arise. Questions are encouraged. This course is eligible for 1 Certified Town Official credit in Real Property Tax Collection, so there is a nominal charge of \$15 to attend.

Virtual Newly Elected Town Officials School - Jan. 6 - 7, 2022

Hit the ground running with our newly elected training school, coming to you virtually January 6-7, 2022. Expect a panoply of information with interactive foundational sessions. Registration is \$75 per person. Check www.nytowns.org to register and for the full agenda of sessions.

2022 Annual Meeting – February 20-23, 2022

Return to New York. We are thrilled to announce that our annual meeting will be happening in person at the Marriott Marquis in midtown Manhattan. Information regarding registration and requirements can be found [here](#). We can't wait to see you!

Important Update on Cannabis Opt-Out Local Laws

Per the newly formed Office of Cannabis Management (OCM), towns that have adopted or are planning to adopt a local law before December 31, 2021 opting out of retail dispensaries and/or on-site consumption sites, must notify the OCM by filling out the Office of Cannabis Management Opt-Out Form available here - <https://ocm-optout-form.ny.gov/>.

Please note that filing the opt-out local law with the Department of State is not sufficient. Notifying OCM is a critical, necessary, and required step to ensure that the Cannabis Control Board and the public have the information necessary to make informed licensing decisions.

For additional information from OCM, you may call 1-888-OCM-5151 (1-888- 626-5151), email info@ocm.ny.gov or visit www.cannabis.ny.gov. You may also sign up for updates from the Office at the following link: [https://cannabis.ny.gov/sign up for updates from OCM](https://cannabis.ny.gov/sign_up_for_updates_from_OCM)

You can also check out the Association of Town's [Guide on Cannabis](#) available on our website or contact our office at (518)465-7933 or email info@nytowns.org.

As of 11/28, 93 towns have filed with the New York Department of State to opt out of retail sales & on-site consumption of cannabis, while 5 have opted out of just on-site consumption. Comparably, 50 villages have opted out of both, while 4 opted out of on-site consumption. **31 days til #recreationalcannabis deadline.**

Funding Opportunity

The New York State Department of Agriculture and Markets invites eligible municipal and incorporated not-for-profit pounds, shelters and humane societies to submit proposals for funding consideration from the Companion Animal Capital Projects Fund. This RFP makes \$4.25 million available for the costs of capital projects, including construction, renovation, rehabilitation, installation, acquisition or expansion of buildings, equipment or facilities necessary for the secure containment, health, and adequate care of sheltered dogs and cats. Applications are due Jan. 25, 2022. For the full announcement, click [here](#).

Meet the Leadership

Q&A with AOT Immediate Past President & Town of Ellery Town Clerk/ Tax Collector Rebecca Haines

Q: When did you join town government?

A: I first became town clerk May 1, 1981 and have held the position ever since.

Q: What compelled you to get involved with the Association of Towns?

A: I really enjoyed being involved with all of the great people across the state and of course serving on AOT's [Executive Committee] just strengthened that commitment. Our Association leadership from the Executive Director, attorneys and staff and of course all of the town representatives are a great group of people and are dedicated to good government and giving back to their communities.

Q: What has been the most rewarding part of your career as

a public servant?

A: That's an easy one -- serving and working with the public. I have always kept in the foremost of my mind that I work for the residents of my town who have been good enough to vote for me and support my efforts as their town clerk.

Q: What are your favorite things to do in your spare time?

A: I spend time with my husband, Craig Butler, and we're enjoying raising our two little Shih Tzu puppies -- Lucy Louise and Ruth Claire. I can also usually be found with my Kindle when I'm relaxing and then there are several groups and community boards I am involved with because I really feel it's important to give back and support others. Any spare time I may have in the future will be devoted to travel, and Craig and I are already planning



our next trip to Maine and Nova Scotia.

Q: What words of advice do you have for those that would like to get involved in local government?

A: Start by going to town board meetings and getting acquainted with your local public officials if you don't already know them. Start to familiarize yourself with current town issues. Volunteer to serve on the planning or zoning board (or another board). Possibly volunteer at community-sponsored events. I know everybody is busy but good government - especially local government - is everybody's business, and let's face it - we're all in this together.

Q: What are your goals / vision for local government and/or AOT as a whole?

A: I so hope that younger people, especially women, will get more involved with their local governments. I know in the Town of Ellery, we have never had a woman hold a town board position, and I hope that changes very soon. I have also come to the conclusion that many local officials do not take advantage of training opportunities, and I'm almost to the point of thinking it should be mandatory. It is definitely a benefit to those serving as well as to the residents they serve.

I know everybody is busy but good government - especially local government - is everybody's business, and let's face it - we're all in this together.



Legal Hot Topic

Transitions in Office and Records

As the end of the year approaches, many towns are preparing for transitions in office. A smooth transition includes, among other things, the provision of records to the incoming officer from the outgoing officer.

What if the outgoing officer destroys or does not hand over records?

Public Officers Law § 80 requires all predecessors in office to provide the current officeholder with all books, papers, moneys and property (including passwords and access to files) upon the transfer of office. An officer can demand (usually in letter form) that the predecessor hand over all records and pertaining to the office. If the request is refused, an officer can file a complaint and obtain an order to show cause from a county or supreme court judge demanding that the material be handed over. The judge can also issue a warrant to search property and collect records. The failure to provide these records can result in misdemeanor or felony charges.

If you are interested in learning more about smooth transitions in office, check out our town tea on the topic [here](#).

NYS Ban on Foam Begins Jan. 1

Effective January 1, 2022, no covered food service provider or store (retail or wholesale) will be allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam in New York. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging—commonly referred to as packing peanuts—in the state.

To get the latest information about the foam ban, including the proposed Part 353 regulations, waiver request form, and outreach materials visit DEC's website at <https://on.ny.gov/FoamFreeNY>.

You can also contact foamban@dec.ny.gov with any questions.



COMP ALLIANCE CORNER

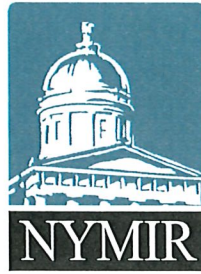
Safety Dance

Municipalities of all sizes should be holding some form of safety committee meetings on a routine basis. Based on the size and structure of your municipal operations, safety committees can be formed with representatives from each major department and administrative involvement. For the smaller operations, discussions of safety and controls between administrators is adequate. For mid-to larger sized entities, an organized committee approach works best to share information in an effort to control accidents. While safety committees work best when they are organized and focused, it is also a good idea to invite outside advisors and stakeholders to the meetings, including insurance risk managers and safety specialists. Comp Alliance members that would like to start a safety committee, or for help with an established safety committee can reach out to Aaron Reader at areader@wrightinsurance.com.

In the late 1980s and early 1990s, municipalities in New York faced a property and casualty insurance crisis, leading the three municipal associations – the Association of Towns (AOT), the New York Conference of Mayors (NYCOM), and the New York State Association of Counties (NYSAC) – to create the New York Municipal Insurance Reciprocal. Officially formed in 1993 with 26 founding subscribers, today, the program is the preeminent municipal property and casualty insurance provider in New York State with approximately 930 members.

NYMIR subscribers have access to the NYMIR Online University, a plethora of on-demand webinars ranging from topics like distracted driving, snowplow safety, and emergency and disaster preparedness, plus numerous risk management tools towns can use to help reduce their liability exposure. Subscribers can also attend live webinars like the upcoming Cyber Security Best Practices on December 7 at 9am (register [here](#)) and the Harassment and Discrimination Annual Training on December 8 at 9am (register [here](#)). NYMIR also provides on-site, in-person training as COVID19 allows, includes property appraisals, and, because the program understands the importance of budgeting, makes stable premiums a priority. For more information, check out NYMIR's website at www.nymir.org.

CYBER RISK TIP – Strong passwords are the first line of defense against a cyber breach, but so many different logins lead to something called “password fatigue.” Use a password manager to help your town keep track of its passwords in a safe and secure manner.



Feature Partner

Announcing: AOT Pilot Mentoring Program

Volunteers Sought

According to our research, on this past Election Day, 1,342 new town officials were elected to office, entering in January 2022, including 141 new town supervisors. Our pilot program will pair newly elected and veteran supervisors in various virtual and in-person events (such as our 2022 Annual Meeting, where this program will kick off) throughout the year with the goal of sharing insights and experiences with those just entering office. If you are interested in participating in this program, please contact Brittany Hernandez at bhernandez@nytowns.org no later than 12/31/21.

Interesting Inquiry of the Month

Is an elected officer re-elected to a new term of office required to take and file a new oath of office and undertaking?

In the words of one AOT staff member: You bet your bippy. All elected town officials are required to personally take and file a constitutional oath of office for each new term of office within 30 days from the commencement of the term of office (see Public Officers Law § 10). The failure to take and file an oath within 30 days from the commencement of the term creates a vacancy in office (see Public Officers Law § 30). An elected official may take and file their oath as soon as the county board of elections certifies the election results – prior to the beginning of the term. Oaths of office are required to be filed with the town clerk regardless of who administers it. Town justices are also required to file their oaths of office with the county clerk and the NYS Office of Court Administration (see Uniform Justice Court Act §104).

Elected officers that handle town funds are also required to file an official undertaking in an amount and form determined by the town board. Many town boards procure blanket undertakings covering all town officers and employees, in which case you should confirm that the town's blanket undertaking is current, covers your position and is properly filed (see Public Officers Law § 11). As with oaths of office, the failure to timely file an official undertaking also creates a vacancy in office. If you want to learn more about public officers, required oaths and undertaking please contact the office at **(518) 465-7933** or email info@nytowns.org.



2021 Town of Ellery Historian Report

Cherrie Clark

This is the list of everyone that I have helped find there family information.

- 2/10 Jim Lake emailed me about family members Albert Lake & Charles Lake. Two of his great grandfathers lived in Ellery and are burried in Fluvanna Cemetery about 1856.
- 3/1 Mark Wickerham wanted inforation about Greenhurst Allotments.
- 6/30 Joyce Lindstrum called and wanted information about the Dahlquist Inn.
Sent all the information I had to her (email).
- 6/20 Richard Fulow III was looking for cemetery lots of Ploss, Sadler, Newbury & Carpenter. Emailed him about the information I had.
- 6/29 Melissa Hull emailed me an wanted information on Daniel & Catherine Hull. Melissa was in town so she came to the office.
- 6/24 Miles Wichelns was interested in Glenn Taylor & Sydney Taylor. Emailed back to him everything I could fine on these two men.
- 6/1 Michelle Henry emailed about things going on for Historians.
- 6/28 Erin Phelan wanted cemetery records. 1826 about Emily Summer. I sent her information that I had.
- 7/19 Sundquist came to the office looking for Godfrey Johnson information. We did find some.
- 4/26 Kris Bartovic email about Vanwert . I sent her

information that was in my Vanwert file.

9/13 Dave Berliner from New Jersey. 1969 Deborah Kruse Yearbook.

9/20 & 7/29 Steven Johnson

9/29 Kris & Tim Morrison were looking for information about the Lutgen family.
Made copies for them.

9/23 Had copies of Red Bird Cemetery map made for TOE clerk.

10/20 Larry Barmore wanted information about Pickard st. Church & school.

11/12 Julie Koenig was looking for information about Brown, Scofield, Hoyt & Ingersol. Sending copies.

11/15 Dennis Carlson Wanted information about John Rice.

Nancy Hallberg Sweatman was looking for family information.

I spend about an hour every day cutting and filing obituaries from the Post Journal.

Then I enter them in the 2021 scrapbook. I also write out a card for each of these.

So far this year I have 193 obituaries.

Thank you
Cherrie Clark