

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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JULY 12, 2022

MINUTES OF THE TOWN BOARD MEETING HELD TUESDAY, JULY 12, 2022, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 6:00 PM.

PRESENT: LAWRENCE A. ANDERSON, SUPERVISOR
STEVEN K. HAYES, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN
MARK R. SCHLEMMER, COUNCILMAN @ 6:10 PM

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

OTHERS PRESENT: ANNE GOLLEY, ASSESSOR/ZONING OFFICER
NEIL M. ROBINSON, TOWN ATTORNEY
ROBERT SAMUELSON, CODE ENFORCEMENT OFFICER

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

TOWN BOARD MEETING MINUTES – JUNE 9 AND 14, 2022

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE JUNE 9, 2022, TOWN BOARD MEETING AND JUNE 14, 2022 BOARD MEETING WERE PRESENTED.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

JUNE REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER JUNE TOWN CLERK REPORT IN THE AMOUNT OF \$11,533.00. THE CHECK TO THE TOWN TOTALED \$11,370.47.

TOWN CLERK HAINES ALSO NOTED THAT THE ASSOCIATION OF TOWNS MAY/JUNE TOWN TOPICS ADDRESSED THE FEDERAL TELECOMMUNICATIONS ACT OF 1996 (TCA), UNDER WHICH CONGRESS EXPLICITLY PRESERVED TO STATE AND LOCAL GOVERNMENTS THE “GENERAL AUTHORITY” TO CONTROL THE SITING, PLACEMENT, INSTALLATION, AND MODIFICATION OF CELL TOWERS AND OTHER WIRELESS FACILITIES WITHIN THEIR JURISDICTIONS. TO USE THE POWER PRESERVED TO THEM UNDER THE TCA LOCAL GOVERNMENTS MUST SIMPLY ADOPT A LOCAL ZONING PROVISION THROUGH WHICH THEY BOTH GRASP THAT POWER AND EXERCISE IT IN A MANNER THAT COMPLIES WITH THE PROCEDURAL CONSTRAINTS IMPOSED UPON THEM UNDER THE TCA.

TOWN ATTORNEY ROBINSON SAID HE WOULD LOOK INTO THE MATTER.

NEXT, TOWN CLERK HAINES DISPLAYED THE FIRST EXAMPLE OF THE SIGN TO BE DISPLAYED AT THE ENTRANCES TO THE TOWN. THERE WAS QUITE A REACTION TO THE COLORS AND IT WAS

AGREED AFTER SOME DISCUSSION THAT TOWN CLERK HAINES AND THE OFFICE PERSONNEL WILL BE LOOKING/DECIDING ON ANOTHER COLOR SCHEME FOR THE SIGNS.

THE TOWN BOARD REVIEWED/DISCUSSED THE JUNE REPORT FROM THE ZONING OFFICER, ANNE GOLLEY. TWO PROPERTIES SPECIFICALLY MENTIONED WERE THE ANDRIACCIO PROPERTY ON THE CORNER OF ROUTE 430(MAIN ST.) AND RALPH AVE. AND THE DENNIS HARVEY PROPERTY ON BELLEVIEW ROAD. MRS. GOLLEY SAID SHE IS CURRENTLY WORKING WITH VIOLATIONS ON BOTH PROPERTIES.

THE BOARD ALSO RECEIVED/DISCUSSED THE JUNE REPORT SUBMITTED BY CODE ENFORCEMENT OFFICER, BOB SAMUELSON. MR. SAMUELSON SAID HE IS CURRENTLY WORKING ON VIOLATIONS AT THE OLD MOBILE HOME PARK (LUCARIELLO) AND WITH MR. GRUBER WHO IS RENTING NEARBY THE OLD MOBILE HOME PARK. THE LUCARIELLO PROPERTY ON ROUTE 430 IS STILL IN THE ESTATE SO THAT MATTER IS ON HOLD FOR THE TIME BEING. THERE IS ALSO A PROPERTY ON THE CORNER OF HARVEY ROAD AND ROUTE 430 THAT IS BANK OWNED AND A SQUATTER IS CURRENTLY THERE AND CREATING A MESS OF THE PROPERTY.

IN ANOTHER MATTER, MOSTLY VILLAGE, DEBBIE LACHS (MAPLE STREET) HAS CUT DOWN A TREE THAT IS EITHER THE TOWN'S OR RIGHT ON THE LINE AND HAS THROWN THE TREE ON THE TOWN PROPERTY (BY THE DRIVEWAY). SHE OR SOMEONE LIVING AT THE HOUSE OR THE CAMPER SHE HAS MOVED IN, IS ACCESSING THE BACK OF THE PROPERTY BY DRIVING OVER THE TOWN PROPERTY.

MR. ROBINSON SAID HE WILL BE SENDING A LETTER NOTIFYING THE LACHS THAT THEY CANNOT TRESSPASS ON THE TOWN PROPERTY AND ALSO INFORMING THEM ABOUT THE MATTER OF THE TREE.

MR. SAMUELSON ALSO NOTED THAT THE REGAN'S WHO OWN THE PROPERTY NEXT TO THE TOWN HALL HAVE AGAIN BEEN NOTIFIED THAT THEY NEED TO CLEAN UP THEIR PROPERTY.

THE BOARD ALSO RECEIVED THE JUNE REPORTS FROM THE ASSESSOR, TOWN JUSTICES AND TOWN SUPERVISOR.

ASSESSOR REQUEST – ANNUAL CONFERENCE ATTENDANCE

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT PER THE REQUEST OF THE ASSESSOR, ATTENDANCE AT THE ANNUAL ASSESSOR CONFERENCE/SCHOOL, SEPTEMBER 18-21, 2022, IS AUTHORIZED ALL EXPENSES PAID AND TO BE RE-IMBURSED BY THE STATE.

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. HAYES – AYE

MR. ANDERSON – AYE - MOTION CARRIED

TOWN ATTORNEY'S REPORT

MR. ROBINSON NOTED THAT THE TOWN BOARD NEEDS TO FORMALLY AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE NEW APPLICATION FOR A PERMIT TO USE A PESTIDE SUBMITTED TO THE NYS DEC, JULY 1, 2022.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD RATIFIES AND APPROVES THE ACTION OF THE TOWN SUPERVISOR IN SIGNING THE HERBICIDE PERMIT APPLICATION JULY 1, 2022.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

RENEW MEMBERSHIP – CHAUTAUQUA LAKE & WATERSHED MANAGEMENT ALLIANCE

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE TOWN OF ELLERY RENEW THE TOWNS MEMBERSHIP WITH THE CHAUTAUQUA LAKE & WATERSHED MANAGEMENT ALLIANCE FOR ONE MORE YEAR.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

LEGISLATOR'S REPORT

LEGISLATOR CHAGNON REPORTED: THE LEGISLATURE PRESENTED COMMENDATIONS AND CERTIFICATES OF AWARD TO ALL COUNTY HIGH SCHOOL VALEDICTORIANS AND SALUTATORIANS; AFTER A PUBLIC HEARING, EXTENDED THE SOUTH CHAUTAUQUA LAKE SEWER DISTRICT FROM THE HAMLET OF STOW TO THE SOUTH BOUNDS OF THE NORTH CHAUTAUQUA LAKE SEWER DISTRICT TO COMPLETE PUBLIC SEWERS ON THE WEST SIDE OF CHAUTAUQUA LAKE. THE PROJECT WILL BE CONTINGENT UPON RECEIVING GRANTS AND NO-INTEREST FINANCING SUFFICIENT TO MEET THE STATE COMPTROLLER'S AFFORDABILITY GUIDELINES; AUTHORIZED THE DISTRIBUTION OF MORTGAGE TAXES FOR THE PERIOD OCTOBER 1, 2021 THROUGH MARCH 31, 2022 – ELLERY WILL RECEIVE \$73,594, A 6% DECREASE FROM THE SAME PERIOD LAST YEAR; ACCEPTED A NYS DEPARTMENT OF HEALTH GRANT TO CONDUCT RADON OUTREACH, PROVIDE EDUCATIONAL MATERIALS, AND DISTRIBUTE RADON DETECTORS DESIGNED TO REDUCE THE PUBLIC HEALTH RISK FROM EXPOSURE TO INDOOR RADON.

PUBLIC

1. ROBERT JOHNSON, ROUTE 430 MENTIONED THAT THE SUMAC ON ROUTE 430 BY CHENEY'S IS STARTING TO HANG OVER THE ROAD AND NEEDS TO BE CUT AND SUGGESTED THAT THE BOARD ASK MR. HALLBERG TO CALL ONE OF HIS CONTACTS AT THE STATE HIGHWAY DEPARTMENT.

HIGHWAY SUPERINTENDENT'S REPORT

TOWN SUPERVISOR ANDERSON READ THE REPORT SUBMITTED BY HIGHWAY SUPERINTENDENT HALLBERG. MR. HALLBERG IS CURRENTLY ATTENDING THE NEW YORK STATE HIGHWAY SUPERINTENDENTS' EXECUTIVE COMMITTEE MEETING IN LAKE GEORGE.

APPOINTMENT – VACANT TOWN BOARD SEAT

COUNCILMAN SCHLEMMER SAID HE WANTS THE TOWN BOARD TO APPOINT A NEW BOARD MEMBER. COUNCILMAN CRESANTI SAID HE WOULD JUST AS SOON LEAVE THE POSITION OPEN. THERE WAS SOME DISCUSSION.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT JEREMY CRIST BE APPOINTED TO FILL THE VACANT TOWN BOARD SEAT CREATED WHEN COUNCILMAN ANDERSON RESIGNED TO BECOME THE TOWN SUPERVISOR.

MR. CRESANTI – NAYE
MR. HAYES – AYE

MR. SCHLEMMER – AYE
MR. ANDERSON – NAYE

TOWN CLERK HAINES REPORTED THAT THE MOTION FAILED.

COUNCILMAN SCHLEMMER MOVED THE MOTION TO LEAVE THE COUNCIL SEAT VACANT THROUGH THE END OF THE YEAR. THE MOTION DID NOT RECEIVE A SECOND.

COUNCILMAN HAYES SAID HE WOULD LIKE TO HAVE THE SEAT FILLED.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT THE FOLLOWING BUDGET TRANSFERS BE APPROVED:

\$600.00 FROM A1355.42 – ASSESSOR, CONTRACTUAL – BOA REVIEW TO ASSESSOR, PERSONAL SVS-BOA REVIEW;

\$3,767 FROM A1990.4 – SPECIAL ITEMS, CONTINGENT TO A9060.81 – EMPLOYEE BENEFITS – HOSP & MED - CLERK

MR. CRESANTI – AYE
MR. HAYES – AYE

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

VOUCHERS

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT VOUCHER #'S 315 THROUGH 390, WARRANT # 7, IN THE AMOUNT OF \$231,813.82, BE PAID AS AUDITED.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

KEY RETURN – TOWN HALL

SUPERVISOR ANDERSON SAID HE WOULD CONTACT RANDY OSTE, SON-IN-LAW OF THE FORMER TOWN SUPERVISOR AND ASK HIM (FORMER SUPERVISOR) TO RETURN HIS KEY TO THE TOWN HALL.

RE-KEY – TOWN HALL

AFTER MORE DISCUSSION A MOTION WAS MADE BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYES: THAT REGARDLESS OF THE KEY BEING RETURNED, THE TOWN CLERK IS AUTHORIZED TO CONTACT A LOCKSMITH AND HAVE ALL 3 DOORS OF THE TOWN HALL RE-KEYED.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

MISCELLANEOUS

IT WAS DECIDED THAT COUNCILMAN HAYES AND TOWN CLERK HAINES WILL WORK TOGETHER ON THE POLICIES AND EMPLOYEE HANDBOOK.

THE USE OF THE FEDERAL ARPA MONIES THE TOWN HAS AND WILL RECEIVE WAS BRIEFLY DISCUSSED. THERE IS INTEREST IN A NEW TOWN HALL. SUPERVISOR ANDERSON AND COUNCILMAN CRESANTI SAID THEY WILL TAKE A LOOK AT THE NEW NORTH HARMONY TOWN HALL FOR IDEAS OF WHAT CAN BE DONE.

TOWN CLERK HAINES ASKED IF THE DRIVEWAY EASEMENT HAS BEEN SENT BACK AND TOWN ATTORNEY ROBINSON SAID HE HAS NOT RECEIVED IT AS YET.

ADJOURNMENT

MOTION BY SUPERVISOR ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD MEETING ADJOURN AT 7:09 PM.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

SUBMITTED:

A handwritten signature in cursive script that reads "Rebecca H. Haines".

REBECCA H. HAINES, RMC/MMC
TOWN CLERK

/RHH