

STATE OF NEW YORK  
COUNTY OF CHAUTAUQUA  
TOWN OF ELLERY

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MAY 12, 2022

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, MAY 12, 2022, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:30 PM.

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

ABSENT: STEVEN K. HAYES, COUNCILMAN

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

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

SUPERVISOR ANDERSON CALLED THE MEETING TO ORDER AT 7:30 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED

#### **APRIL 14 AND APRIL 25, 2022 TOWN BOARD MEETING MINUTES**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE APRIL 14 AND APRIL 25, 2022, TOWN BOARD MEETINGS WERE PRESENTED.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

#### **APRIL REPORTS**

TOWN CLERK, REBECCA HAINES, SUBMITTED HER APRIL TOWN CLERK REPORT IN THE AMOUNT OF \$2,207.00. THE CHECK TO THE TOWN TOTALED \$2,054.78.

THE TOWN BOARD REVIEWED/DISCUSSED THE APRIL REPORT FROM THE ZONING OFFICER, ANNE GOLLEY.

THE BOARD ALSO RECEIVED APRIL REPORTS SUBMITTED BY THE CODE ENFORCEMENT OFFICER, ASSESSOR, JUSTICES AND SUPERVISOR

#### **TOWN JUSTICE 2021 AUDIT**

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN BOARD ACCEPTS THE AUDIT OF THE 2021 TOWN JUSTICES' BOOKS CONDUCTED BY COUNCILMEN CRESANTI AND HAYES.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

**PUBLIC**

TOWN CLERK REBECCA HAINES WELCOMED THE 4 STUDENTS FROM THE GOVERNMENT CLASS AT MAPLE GROVE HIGH SCHOOL. THE STUDENTS WERE PRESENT AS PART OF A CLASS ASSIGNMENT AND FOR COMMUNITY SERVICE CREDITS.

**LEGISLATOR'S REPORT**

COUNTY LEGISLATOR CHAGNON REPORTED THAT THE LEGISLATURE HAS AUTHORIZED CALLING A PUBLIC HEARING AT THE MAY COUNTY LEGISLATURE MEETING UPON A PROPOSAL TO EXTEND THE NORTH CHAUTAUQUA LAKE SEWER DISTRICT TO ENCOMPASS THE MANDOLIN RIDGE HOUSING DEVELOPMENT; AUTHORIZED A PURCHASE BY THE SHERIFF'S OFFICE WITH FEDERAL GRANT FUNDS OF A REMOTE OPERATED VEHICLE, SIMILAR TO AN UNDERWATER DRONE, TO ASSIST THE DIVE TEAM IN SEARCH AND RESCUE OPERATIONS; AUTHORIZED CAPPING THE COUNTY SALES TAX ON GASOLINE AND DIESEL FUEL AT \$3 PER GALLON FROM JUNE 1 TO DECEMBER 1 OF THIS YEAR, IN AN EFFORT TO HELP THE CONSUMERS IN THESE DIFFICULT TIMES. THIS WILL BE ESSENTIALLY BUDGET NEUTRAL AS THE COUNTY SALES TAX BUDGET ANTICIPATED A PRICE OF \$2.92 PER GALLON; BEING PURSUED IS FEDERAL INFRASTRUCTURE FUNDING FOR PHASE 2 OF THE WEST SIDE SEWER EXTENSION FROM STOW TO PRENDERGAST CREEK FOR DREDGING AND MAINTENANCE OF THE 4 COUNTY DAMS IN THE CONEWANGO WATERSHED, FOR REHABILITATION OF THE WATER STORAGE TANK IN THE NORTH COUNTY INDUSTRIAL WATER DISTRICT, AND FOR COLLECTION SYSTEM MAINTENANCE IN THE NORTH CHAUTAUQUA LAKE AND PORTLAND POMFRET DUNKIRK SEWER DISTRICTS.

**PUBLIC**

TIM LUTGEN ADDRESSED THE BOARD WITH HIS IDEA TO SELL TOPSOIL ON HIS PROPERTY BEHIND THE DOLLAR GENERAL. HE WOULD STOCKPILE THE SCREENED SOIL 300-500 BACK FROM ROUTE 430.

TOWN ATTORNEY ROBILSON TOLD MR. LUTGEN THAT HE WOULD NEED A DETAILED SITE PLAN AND A PERMIT FROM THE DEC.

THERE WAS BACK AND FORTH DISCUSSION WITH THE END RESULT BEING THAT MR. LUTGEN SHOULD COME BACK NEXT MONTH WITH A DETAILED SITE PLAN, SIGN PROPOSAL, OFFICE SHED PLANS, AND A PLAN FOR EROSION CONTROL. IT WAS ALSO NOTED THAT HE WILL HAVE TO COMPLETE AND SUBMIT A SHORT ENVIRONMENTAL ASSESSMENT FORM.

**HIGHWAY SUPERINTENDENT'S REPORT**

HIGHWAY SUPERINTENDENT HALLBERG REPORTED ON THE RECENT AUCTION OF HIGHWAY EQUIPMENT WHICH WENT VERY WELL; THE TOWN WILL BE HELPING THE COUNTY BRIDGE CREW WHEN THEY REPAIR THE DECK OF THE FERRY; THE COUNTY WILL BE FIXING THE BRIDGE IN

MAPLE SPRINGS THAT THEY CURRENTLY HAVE BLOCKED OFF, AND FINISHING HIS REPORT, MR. HALLBERG NOTED THAT THE CEMETERY AND TOWN PARK EMPLOYEES ARE BACK FOR THE SPRING/SUMMER/FALL.

AT THIS POINT, COUNCILMAN CRESANTI ASKED ABOUT THE ELECTRIC WORK BEING DONE AT THE TOWN PARK AND MR. HALLBERG SAID THAT NEW LIGHTS WERE INSTALLED IN THE SHOP. ALSO NOTED WAS THE NEW TRACTOR DELIVERED TO THE PARK.

**ATTORNEY'S REPORT**

TOWN ATTORNEY ROBINSON SAID HE WILL DRAFT A LOCAL LAW FOR THE PROPOSAL TO COMBINE THE PLANNING BOARD AND THE BOARD OF APPEALS.

**SET DATE – PUBLIC HEARING – PROPOSAL TO COMBINE THE PLANNING BOARD AND THE BOARD OF APPEALS**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD HOLD A PUBLIC HEARING, THURSDAY, JUNE 9, 2022, AT 7:45 PM, TO CONSIDER A PROPOSED LOCAL LAW TO COMBINE THE PLANNING BOARD AND THE BOARD OF APPEALS.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

THERE WAS ALSO SOME DISCUSSION ABOUT THE TOWN HALL DRIVEWAY AND MR. ROBINSON SAID HE WILL DRAFT AN EASEMENT. IT WAS NOTED THAT IT COULD BE BENEFICIAL TO ADD 2-3 MORE FEET OF BLACKTOP TO MAKE IT WIDE ENOUGH FOR CARS TO PASS.

TOWN CLERK HAINES AND SUPERVISOR ANDERSON BOTH NOTED THAT THEY EACH ENCOUNTERED A PROBLEM UPON ENTERING THE DRIVEWAY THIS EVENING.

**MISCELLANEOUS**

SUPERVISOR ANDERSON ASKED CODE ENFORCEMENT OFFICER SAMUELSON TO LOOK INTO ASKING THE ADJOINING PROPERTY OWNER (LANGEBARTEL) TO CLEAN UP THEIR PROPERTY.

**VOUCHERS**

A MOTION WAS MADE BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT VOUCHER #'S 206 TO 261, WARRANT #5, IN THE AMOUNT OF \$372,172.93, BE PAID AS AUDITED.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

**LAKE MANAGEMENT CONSULTANT**

SUPERVISOR ANDERSON NOTED THAT HE AND COUNCILMAN CRESANTI HAVE ASKED JIM WEHRFRITZ TO STAY ON AS THE LAKE MANAGEMENT CONSULTANT AND HE HAS AGREED. THERE WILL BE SOME MINOR REVISIONS TO HIS CONTRACT.

MR. WEHFTRITZ REPORTED:

1. PIERRE PROVIDED A **CLPRA** UPDATE
2. DETAILS OF THE MAY 12, 2022, ANNUAL MEETING AND PUBLIC MAY ALLIANCE BOARD MEETING
3. DETAILS OF THE MAY 11, 2022, LAKE MANAGEMENT COMMITTEE MEETING
4. INFORMATION ON 2022 WEED MANAGEMENT

A FULL COPY OF THE REPORT IS IN THE MINUTES FILE.

**BACK TO MISCELLANEOUS**

TOWN RESIDENT BOB JOHNSON INFORMED THE BOARD THAT THE FORMER TOWN SUPERVISOR WAS TELLING PEOPLE AT THE WAR VETS THAT HE IS RESPONSIBLE FOR THE TOWN HAVING \$1,400,000 IN EXCESS FUNDS.

MR. JOHNSON ASKED TOWN CLERK HAINES IF THAT IS TRUE AND TOWN CLERK HAINES INVITED MR. JOHNSON TO COME IN AND REVIEW THE TOWN SUPERVISOR'S MONTHLY REPORT BECAUSE THERE ARE MANY FUNDS INVOLVED, I.E. ARPA FUNDS, RESERVE FUNDS, OPERATING FUNDS, APPROPRIATED VERSUS UNAPPROPRIATED FUNDS, ETC., SO IT IS NOT A SIMPLE MATTER TO DISCUSS.

TOWN CLERK HAINES REMINDED THE BOARD THAT THE FORMER TOWN SUPERVISOR STILL HAS NOT RETURNED THE KEY TO THE TOWN HALL.

COUNCILMAN SCHLEMMER SAID HE WANTS TO SCHEDULE A SPECIAL MEETING TO START INTERVIEWING CANDIDATES FOR THE VACANT COUNCIL POSITION. COUNCILMAN CRESANTI AND TOWN SUPERVISOR ANDERSON SAID THEY WOULD PREFER TO WAIT AND DISCUSS THE MATTER WHEN COUNCILMAN HAYES IS ALSO PRESENT.

**EXECUTIVE SESSION**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS TWO CONTRACT ISSUES.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

THE FOLLOWING INFORMATION WAS RELATED TO THE TOWN CLERK BY COUNCILMAN CRESANTI:

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT A NEW CONTRACT WITH JIM WEHRFRITZ HAS BEEN APPROVED AND WILL BE SIGNED BY THE PARTIES INVOLVED WHEN TOWN ATTORNEY ROBINSON HAS MADE THE AGREED CHANGES.

MR. CRESANTI – AYE  
MR. HAYES – ABSENT

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

THE MEETING ADJOURNED AT 9:25 PM.

SUBMITTED:

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

REBECCA H. HAINES, RMC/MMC  
ELLERY TOWN CLERK

/RHH