

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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APRIL 14, 2022

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, APRIL 14, 2022, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:30 PM.

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

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

MARCH 10, 2022 TOWN BOARD MEETING MINUTES

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE MARCH 10, 2022, TOWN BOARD MEETING WERE PRESENTED.

MR. ANDERSON – AYE
MR. HAYES – AYE

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

MARCH REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER MARCH TOWN CLERK REPORT IN THE AMOUNT OF \$6,118.39. THE CHECK TO THE TOWN TOTALED \$6,045.77.

THE TOWN BOARD REVIEWED THE MARCH REPORT FROM THE ZONING OFFICER. ANNE GOLLEY NOTED THAT SHE HAD SURVEYED THE PLANNING AND ZONING BOARDS AND NOW HAS A LIST OF PEOPLE WHO WANT TO CONTINUE TO SERVE. SHE ALSO NOTED THAT JOE MEASER, JEREMY CRIST AND ANDY FINSON SHOULD BE CONSIDERED AS ALTERNATES BECAUSE THEY CAN'T MAKE AS MANY MEETINGS AS OTHERS DUE TO JOB RESPONSIBILITIES. TOWN ATTORNEY ROBINSON WAS ASKED TO PREPARE A LOCAL LAW FOR THE TOWN BOARD TO CONSIDER COMBINING THE PLANNING AND ZONING BOARDS. THE BOARD WILL REVIEW THE LOCAL LAW AT NEXT MONTHS MEETING AND SET A DATE FOR A PUBLIC HEARING.

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

PUBLIC

1. JEN HEAD, ORIENTAL PARK – ASKED THE BOARD ABOUT BUYING THE RIGHT-OF-WAY NEXT TO HER PROPERTY IN ORIENTAL PARK.

IT WAS EXPLAINED THAT THE TOWN DOES NOT HAVE ANY JURISDICTION OVER THE RIGHTS-OF-WAY IN ORIENTAL PARK. PROPERTY OWNERS IN ORIENTAL PARK ARE ALL TENANTS IN COMMON WITH ANY OF THE RIGHTS-OF-WAY. IT WAS SUGGESTED THAT JEN TALK WITH HER PERSONAL ATTORNEY ABOUT FURTHER QUESTIONS/ACTION.

PUBLIC HEARING – 7:45 PM – HIGHWAY EQUIPMENT CAPITAL RESERVE EXPENDITURE

THE PUBLIC HEARING COMMENCED AT 7:49 PM. THIS PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF CONSIDERING PAYING FOR NEW HIGHWAY EQUIPMENT BEING PURCHASED FROM THE HIGHWAY EQUIPMENT CAPITAL RESERVE.

HIGHWAY SUPERINTENDENT HALLBERG SAID THE FOLLOWING EQUIPMENT IS BEING PURCHASED AS APPROVED BY THE TOWN BOARD. 2021 JOHN DEERE 344L LOADER - \$131,000/ THE NEW TRACTOR FROM JAVA FARM SUPPLY FOR \$65,936; AND THE 2 MOWERS FROM STEPHENSONS EQUIPMENT FOR \$80,431.85. THE ONLY QUESTION IS HOW DOES THE TOWN BOARD WANT TO PAY FOR THE PURCHASES.

NO ONE SPOKE DURING THE PUBLIC HEARING.

THERE WAS SOME DISCUSSION. IT WAS NOTED THAT ANY MONEY RECEIVED FROM THE EQUIPMENT TAKEN TO AUCTION WILL GO BACK INTO THE EQUIPMENT RESERVE IF THE MONEY IS EXPENDED FROM THE RESERVE.

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT THE NEW HIGHWAY EQUIPMENT (AS NOTED BY THE HIGHWAY SUPERINTENDENT) BE PURCHASED WITH MONIES FROM THE HIGHWAY EQUIPMENT CAPITAL RESERVE WITH ANY MONEY RECEIVED FROM THE OLD EQUIPMENT AT AUCTION BE RETURNED TO THE RESERVE.

MR. ANDERSON – AYE
MR. HAYES – AYE

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

MR. HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT HAS BEEN BUSY BETWEEN SNOW STORMS, SWEEPING AND BROOMING ROADS, PICKING UP GARBAGE AND DEBRIS ALONG THE ROAD SIDES, TRUCKING IN STONE, EQUIPMENT MAINTENANCE, ETC. HE WOULD LIKE TO START A DRAINAGE PROJECT ALONG THE ENTIRE LENGTH OF GREENHURST AVENUE USING ARPA MONEY FOR THE PROJECT. HE ALSO NOTED THAT HE IS CHECKING INTO LEASING A COUPLE OF NEW PICKUP TRUCKS AND HE IS WAITING FOR MORE INFORMATION FROM SHULTS.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE FOLLOWING FUND TRANSFER AND BUDGET MODIFICATIONS BE APPROVED.

\$105 FROM A1990.4 – CONTINGENT TO A142.4 ATTORNEY – CONTRACTUAL AND

WE RESOLVE TO TRANSFER UNAPPROPRIATED LAKE MANAGEMENT MONIES FROM 2021 OF \$22,323.41 TO THE LAKE MANAGEMENT RESERVE. THIS WILL INCREASE FUND BALANCE – APPROPRIATED AND LAKE MANAGEMENT RESERVE.

MR. ANDERSON – AYE
MR. HAYES – AYE

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

VOUCHERS

AFTER RECEIVING CLARIFICATION ON THE VOUCHER FOR PARADIGM – BEMUS CREEK PROJECT WITH THE COUNTY, A MOTION WAS MADE BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHER #'S 144 TO 205, WARRANT #4, IN THE AMOUNT OF \$198,254.96, BE PAID AS AUDITED.

MR. ANDERSON – AYE
MR. HAYES – AYE

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

MR. SCHLEMMER NOTED THAT THE FOLLOWING CHECK HAS STILL NOT CLEARED THE BANK: HIGHWAY FUND CHECK #33230 FOR \$979.99 MADE PAYABLE TO BLUE COLLAR WORKWEAR DATED 12/10/2021. IT WAS DECIDED THAT THE ORIGINAL CHECK WILL BE VOIDED AND A REPLACEMENT CHECK ISSUED AND MR. SCHLEMMER WILL NOTIFY THE BOOKKEEPER.

ATTORNEY'S REPORT

ATTORNEY ROBINSON SAID HE HAS BEEN IN CONTACT WITH ONE OF THE OWNERS OF SUNNYSIDE LLC. ABOUT THE DRIVEWAY/PARKING LOT SITUATION AND IT SEEMS THAT THEY WOULD BE AMENABLE TO AN AGREEMENT FOR THE USE OF THE PROPERTY AS IT HAS BEEN FOR THE LAST 40 YEARS.

TOWN CLERK HAINES NOTED THAT THE BIGGEST ISSUE IS THE LACK OF 2 LANES FOR INGRESS/EGRESS TO THE TOWN HALL.

IT WAS DECIDED THAT RODGERS SURVEYING WILL AGAIN BE CONTACTED AND WILL MEET WITH MR. CRESANTI AND MR. ANDERSON.

MR. ROBINSON ALSO NOTED THAT A NEW SUPERVISOR MUST BE APPOINTED WITHIN 45 DAYS OF THE FORMER SUPERVISOR'S RESIGNATION DATE. HE ADVISED THE BOARD TO MEET AND DISCUSS THE POSSIBILITY OF APPOINTING A NEW SUPERVISOR.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD HOLD A SPECIAL MEETING TO DISCUSS POSSIBLY FILLING THE TOWN SUPERVISOR VACANCY, MONDAY, APRIL 25, 2022, AT 4:30 PM.

MR. ANDERSON – AYE
MR. HAYES – AYE

MR. CRESANTI – AYE
MR. SCHLEMMER – AYE – MOTION CARRIED

MISCELLANEOUS, COMMITTEE REPORTS AND CORRESPONDENCE

DEPUTY SUPERVISOR SCHLEMMER ASKED ABOUT PROGRESS ON THE EMPLOYEE HANDBOOK AND COUNCILMAN HAYES SAID HE IS WORKING ON IT.

TOWN CLERK HAINES MENTIONED SHE HAD SENT THE COMMITTEE A COPY OF THE TOWN OF BUSTI EMPLOYEE HANDBOOK AS A GUIDE NOTING THAT IT WAS THE BEST/MOST COMPLETE HANDBOOK SHE HAD COME ACROSS IN HER SEARCH.

MR. SCHLEMMER NOTED THAT THERE ARE 2 BANDS BOOKED FOR THIS SUMMER BAND CONCERT SERIES: KOKOMO – JUNE 30TH AND PONCHO GRANDES – JULY 28TH. THE COST OF THE BANDS IS \$350 EACH.

LAKE MANAGEMENT CONSULTANT - RESIGNATION

MR. SCHLEMMER NOTED THAT HE HAD RECEIVED AN EMAIL FROM JIM WEHRFRITZ, THE TOWN'S LAKE MANAGEMENT CONSULTANT, NOTIFYING THE TOWN THAT HE IS GIVING HIS 30-DAY NOTICE AS OF APRIL 12TH.

COUNCILMEN ANDERSON AND CRESANTI BOTH SAID THEY WOULD LIKE TO TALK WITH JIM BEFORE TAKING ACTION. MR. SCHLEMMER SAID HE WOULD LIKE TO ACCEPT JIM'S RESIGNATION THAT EVENING. NO FURTHER ACTION WAS TAKEN.

AT THIS POINT IT WAS NOTED THAT JOHN CRESANTI HAS BEEN NOMINATED AS A POTENTIAL BOARD MEMBER OF THE ALLIANCE.

MR. SCHLEMMER NOTED THAT MARLA OSTE WILL TAKE CARE OF BUYING THE FLOWERS AND TAKING CARE OF THE TOWN'S PLANTERS AGAIN THIS YEAR. THE TOWN WILL PAY FOR THE FLOWERS AND PAY MS. OSTE \$500.00.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT MARLA OSTE PURCHASE THE FLOWERS AND BE REIMBURSED AS STATED ABOVE.

MR. ANDERSON – AYE
MR. HAYES – AYE

MR. CRESANTI – AYE
MR. SCHLEMMER – AYE – MOTION CARRIED

SOLITUDE CONTRACT

MR. SCHLEMMER UPDATED THE BOARD ABOUT THIS YEARS UPCOMING HERBICIDE TREATMENTS. THE CHAUTAUQUA LAKE PARTNERSHIP HAS BEEN AWARDED \$174,000 FROM THE ALLIANCE. TWO WEEKS PRIOR TO ANY TREATMENT THERE WILL BE INSPECTIONS CONDUCTED TO BETTER TARGET WEED GROWTH AREAS THAT WILL NEED TREATMENT. THERE WILL BE PRIORITY AREAS AND ACREAGE TO BE TREATED MAY CHANGE AFTER THE SURVEYS.

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYES: THAT DEPUTY SUPERVISOR SCHLEMMER IS AUTHORIZED TO EXECUTE THE CONTRACT WITH SOLITUDE FOR THE UPCOMING HERBICIDE TREATMENT OF CURLY LEAF PONDWEED AND EURASIAN WATERMILFOIL.

MR. ANDERSON – AYE
MR. HAYES – AYE

MR. CRESANTI – AYE
MR. SCHLEMMER – AYE – MOTION CARRIED

BACK TO MISCELLANEOUS

COUNCILMAN CRESANTI WANTED TO KNOW IF THE CELL PHONE MATTER WITH RANDY TRIM HAD BEEN RECTIFIED AND MR. HALLBERG SAID IT HAS BEEN TAKEN CARE OF.

KATHY BENWARE SAID THERE HAS BEEN LESS SUSPICIOUS ACTIVITY GOING ON IN THE BACK CORNER OF THE TOWN PARK AND MR. HALLBERG SAID IT'S GETTING BETTER AND THE SIGNS HE ORDERED WILL BE IN SOON.

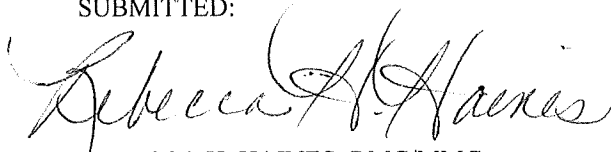
ADJOURNMENT

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 9:00 PM.

MR. ANDERSON – AYE
MR. HAYES – AYE

MR. CRESANTI – AYE
MR. SCHLEMMER – AYE – MOTION CARRIED

SUBMITTED:


REBECCA H. HAINES, RMC/MMC
CLERK

/RHH