

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF ELLERY

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JANUARY 3, 2023

MINUTES OF THE TOWN OF ELLERY 2023 ORGANIZATIONAL MEETING HELD TUESDAY, JANUARY 3, 2023, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 5:00 PM.

PRESENT: LAWRENCE A. ANDERSON, SUPERVISOR
JOHN C. CRESANTI, COUNCILMEMBER
MARK R. SCHLEMMER, COUNCILMEMBER
JEREMY D. CRIST, COUNCILMEMBER

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

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

SUPERVISOR ANDERSON CALLED THE MEETING TO ORDER AT 5:00 PM.

APPOINTMENT TO FILL TOWN BOARD VACANCY

MOTION BY SUPERVISOR ANDERSON, SECOND BY COUNCILMEMBER CRESANTI: THAT DAVID BOUGHTON BE APPOINTED TO FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER STEVEN HAYES.

MR. CRIST – NAYE	MR. CRESANTI – AYE
MR. SCHLEMMER – NAYE	MR. ANDERSON – AYE – MOTION FAILED

TOWN OF ELLERY ISSUES

THE FOLLOWING LETTER WAS SENT TO SOME TOWN RESIDENTS ANONYMOUSLY:

- ONLY ONE BUDGET REVIEW MEETING BY TOWN BOARD HELD IN OCTOBER 2022 BUT NEVER COMPLETED.
- SUBMITTED BUDGETS NO DISCUSSED IN EXECUTIVE SESSION BUT WITH ALL STAFF PRESENT
- BOTH NOVEMBER AND DECEMBER TOWN BOARD MEETINGS CANCELLED
- THE TOWN CLERK REBECCA HAINES PUT TOGETHER THE WHOLE BUDGET AND NOT BAHGAT & LAURITO-BAHGAT.

- THE TOWN CONTROLLER/CERTIFIED PUBLIC ACCOUNTANT/ADVISOR BAHGAT & LAURITO-BAHGAT WAS NOT INVOLVED IN BUDGET PROCESS AS ALWAYS IN THE PAST
- SINCE BOTH THE NOVEMBER AND DECEMBER BOARD MEETING HAVE BEEN CANCELLED AND NO OTHER WORK SESSION HAVE OCCURRED SUBMITTED DEPARTMENT HEAD BUDGETS WILL GO INTO EFFECT 1/1/23
- THUS LARGE PAY INCREASES WILL HAPPEN 2023 WHICH INCLUDED 1-15% FOR DEPARTMENT HEADS WHO SET THEIR OWN PERCENTAGE INCREASE, AND A 75% INCREASE FOR THE TOWN SUPERVISOR. THIS WILL MAKE LARRY ANDERSON THE HIGHEST PAID SUPERVISOR IN CHAUTAUQUA COUNTY
- THE MAIN PROBLEM IS THE INCREASES IN THE TOWN BUDGET \$267,000 WILL BE TAKEN OUT OF THE GENERAL FUND BALANCE AND NOT REFLECTED IN THE TAX BASE FOR 2023. THUS A SMOKE AND MIRROR EFFECT SINCE THE TAX RATE WILL ONLY GO UP .02/THOUSAND (UNDER THE CAP) AND NOT REFLECT THE TRUE INCREASE. THE GENERAL FUND IS NOT THERE TO FUND THESE TYPES OF INCREASES WHICH CANNOT EASILY BE REVERSED SINCE YOU ARE DEALING WITH PEOPLE'S INCOME. MOVING FORWARD IN YEARS TO COME THE TOWN WILL HAVE LARGE PROPERTY TAX INCREASE DUE TO THIS
- PART OF THE TOWN BOARD HAS BEEN PLAYING GAMES FILLING BOARD VACANCIES DURING THE PAST MONTHS. THUS HAVING ONLY A 4 PERSON BOARD MAKING VOTING VERY DIFFICULT AND ONE SIDED
- NEXT TOWN OF ELLERY BOARD MEETING TUESDAY 1/3/23 @ 5 PM. I WOULD RECOMMEND YOU ATTEND THIS MEETING

TOWN CLERK, REBECCA HAINES WROTE AND READ THE FOLLOWING RESPONSE TO BE INCLUDED IN THE MINUTES:

NOTES ON TOWN OF ELLERY ISSUES

- Minutes are provided –
- The budget should never be discussed in Executive Session. Notice of the Budget Workshop/meeting was properly (for the first time in Town Clerk's memory) published. Supervisor Anderson asked the Deputy Town Clerk, the Highway Superintendent and the Assessor to be present.
- Minutes of the November and December Town Board Meetings are provided. Scheduled meetings cannot be cancelled by the Town Supervisor – only by a majority vote of the Town Board

- Yes, Town Clerk Rebecca Haines did prepare the Tentative Budget with the input of Town Supervisor Larry Anderson. Town Clerk Rebecca Haines has prepared pretty much all the Town Budgets since the death of Bookkeeper Sandra Morrison in 2012. It is true that the Town Supervisor is the Budget Officer unless he/she appoints someone else. The budgets had to be prepared so Town Clerk Rebecca Haines stepped up and did so. Town Clerk Rebecca Haines preformed many duties formerly done by the Town Bookkeeper and did so without any reimbursement. The accounting firm of Bahgat & Laurito-Bahgat add in the employee benefits, work with the 2% tax amount, the tax rate, etc. after receiving the Tentative Budget. The accounting firm was hired after Sandy's death.
- The accounting firm (Laura) was sent the Tentative Budget on September 19, 2022 and did in fact work with the Town Budget. There are numerous emails going back and forth about budget details.
- As state earlier and backed up by the minutes provided, the November and December Town Board meetings were not cancelled but it is true that no other work sessions were scheduled because it was pointless given the fact that a quorum would not be present. Per Town Law, the Tentative Budget as submitted, is the default 2023 budget. Changes to the Budget can be made at anytime by a majority vote of the Town Board.
- It is true that the Town Board never approved a budget for 2023 – it couldn't approve without a quorum of the Board present to vote.
- All full time Town Office employees agreed to ask for the same dollar amount this year because percentage raises are so unequitable. It's true that some of the percentages are higher but this was done at the urging of one of the Board members and is reflective of the 8.7% cost of living amount recently released. The Town Board pay for 2023 (all starting from the same base and therefore receiving the same increase) increased by 25%. It is true that Town Supervisor Anderson requested a pay increase of \$1,000 over and above what the former Supervisor received. It is all salary for 2023 rather than salary and full health insurance coverage. Town Supervisor Anderson has spent many hours in the office during 2022 and plans to be in the office or working on town business 20 hours each week.
- It's actually \$285,000 of unexpended fund balance being used in the proposed 2023 Town Budget. This is quite common: In 2012 it was \$554,352; 2013 it was \$498,000; 2014 it was \$279,000; 2015 it was 350,919; 2016 it was 244,000; 2017 it was 89,896; 2018 it was 220,536; 2019 it was \$251,042; 2020 it was \$191,808; 2021 it was \$77,550; 2022 it was \$98,503. This year it is again higher than the past few years because there is a large increase in the highway budget due to the cost of fuel and highway materials and

- well as extra money included for new equipment that is long overdue to be replaced. There will not be great increases in the future as the State still has the 2% tax cap in place to ensure that budgets/tax rates are kept to moderate increases. Actually, the 2% tax cap is usually quite a bit less than the 2%.
- I totally agree that there have been disagreements as to who should be appointed to the Town Board vacancy. It basically came down to a 2-2 tie. Each Board member has 1 vote and certainly shouldn't have to vote for someone he doesn't want just because others want the position filled. It's been said that once appointed/elected to the Ellery Town Board it is for a lifetime unless the Board Member decides to resign. Through the years there have been very few votes that haven't been unanimous and that's why sometimes I've been known to say that if everyone is always agreeing, no one is thinking! This Town Board is made up of all Republican members so why there is so much disagreement is a good question.
- I am so happy to see everyone here today. I wish all our meetings were this well attended. I am happy to meet with anyone at any time if there are more questions.

REQUEST TO FILL TOWN BOARD VACANCY

TOWN RESIDENT DAVID WESP PRESENTED A LETTER OF INTEREST IN FILLING THE OPEN SEAT ON THE TOWN BOARD. THE TOWN BOARD REVIEWED THE LETTER AND THERE WAS SOME DISCUSSION.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRIST: THAT DAVID WESP BE APPOINTED TO FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER STEVEN HAYES.

MR. CRIST – AYE

MR. CRESANTI – NAYE

MR. SCHLEMMER – AYE

MR. ANDERSON – NAYE – MOTION FAILED

APPOINTMENTS AND SALARIES

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER CRIST: THAT THE FOLLOWING APPOINTMENTS AND SALARIES BE SET FOR 2023:

Records Management Officer - Rebecca H. Haines

Records Management Fee - \$1,362.00

Registrar - Rebecca Haines

Registrar Fee - \$1,850.00 and \$930.00 (Deputy)

Historian - Cherrie Clark

Historian Fee - \$2,180.00

Official Newspaper - The Post-Journal

Official Bank - M & T Bank

Town Attorney - Neil M. Robinson

Attorney Fee - \$32,888.00

Meeting Date/Time/Place - 2nd Tuesday each month, 6:00 PM, Town Hall

Town Officials Salaries:

Supervisor	- \$19,000.00
Town Justice I	- 12,750.00
Town Justice II	- 12,750.00
Councilman (4)	- 3,500.00 (each)
Town Clerk	- 60,700.00
Highway Supt.	- 70,701.00

Assessor Salary - \$59,000.00

Code Enforcement Officer - Robert Samuelson

Code Enforcement Officer Salary - \$33,956.00 & Village Contribution once the contract is approved and signed by both boards

Zoning Officer Salary - \$17,000.00

Library Funding - Bemus Point Library	- \$11,000.00
Fluvanna Library	- 6,800.00

Dog Control Officer – Floyd Kent

Dog Control Officer Salary - \$4,572.00

Deputy Town Clerk - Jill J. Braund

Deputy Town Clerk Salary - \$44,000.00

Deputy Town Clerk – Jill P. Colburn

Deputy Town Clerk Salary - \$40,000.00

Accounting Firm – Bahgat & Laurito-Bahgat

Accountant Fee - \$18,000.00

Court Clerk - Deanna Crossley

Court Clerk Salary - \$41,500.00

Deputy Highway Superintendent – Vance Lutgen

Deputy Highway Superintendent Fee - \$3,000.00

Cemetery Sexton – Jason Adams

Cemetery Sexton Fee - \$4,200.00

Park/Cemetery Manager – Greg Hallberg

Park/Cemetery Manager Fee - \$7,500.00

Board of Appeals/Planning Board Clerk - Anne M. Golley

Highway Department Base Wage - \$26.00 Per hour

Deputy Supervisor – John C. Cresanti, Sr.

Supervisor's Committees:

Highway	-
Cemetery	-
Personnel	-
Buildings	-
Zoning	-
Audit	-
Creeks	-
Insurance	-
Youth Rec.	-
Park	-

Combined ZBA/Planning Board – John Cresanti, Jr. – 1/1/23-12/31/26

Kerry Crist – 1/1/23-12/31-25

Jenna Head – 1/1/23-12/31/30

John Sitzenstatter - Alternate

2021 Mileage Rate - \$.65.5 per mile

MR. CRIST – AYE

MR. SCHLEMMER – NAYE

MR. CRESANTI – AYE

MR. ANDERSON – AYE – MOTION CARRIED

ADJOURNMENT

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER SCHLEMMER: THAT THE MEETING BE ADJOURNED AT 6:20 PM

MR. CRIST – AYE

MR. SCHLEMMER – AYE

MR. CRESANTI – AYE

MR. ANDERSON – AYE – MOTION CARRIED

SUBMITTED:

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

REBECCA H. HAINES, RMCMMC
ELLERY TOWN CLERK

/RHH