

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

SS

SEPTEMBER 13, 2022

MINUTES OF THE TOWN BOARD MEETING HELD TUESDAY, SEPTEMBER 13, 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

ABSENT: MARK R. SCHLEMMER, COUNCILMAN

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
GREG HALLBERG, HIGHWAY SUPERINTENDENT

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

ACCEPTANCE – AUGUST 9, 2022 TOWN BOARD MEETING

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD HAS RECEIVED/ACCEPTED THE MINUTES OF THE AUGUST 9, 2022 BOARD MEETING.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

AUGUST REPORTS

THE TOWN CLERK'S AUGUST REPORT TOTALED \$10,172.00. THE CHECK TO THE TOWN TOTALED \$8 103,56.

THE TOWN BOARD REVIEWED THE JULY REPORT FROM THE ZONING OFFICER, ANNE GOLLEY. SUPERVISOR ANDERSON NOTED 3 AREAS OF CONCERN IN THE TOWN ZONING: LIVING FENCES, SHORT TERM RENTALS AND MINIMUM SQUARE FOOTAGE OF HOUSES. HE SUGGESTED THAT THE ZONING/PLANNING BOARD TAKE A LOOK AT THESE ISSUES.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE ISSUES MENTIONED BY SUPERVISOR ANDERSON BE REFERRED TO THE ZONING/PLANNING BOARD FOR THEIR REVIEW AND POSSIBLE REVISIONS.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

THE BOARD ALSO RECEIVED/DISCUSSED THE AUGUST REPORT SUBMITTED BY CODE ENFORCEMENT OFFICER, BOB SAMUELSON.

THE BOARD NOTED THAT AT THE VERY LEAST THERE NEEDS TO BE A FENCE AROUND THE HOMESTEAD CAFÉ FIRE DEBRIS.

TOWN ATTORNEY ROBINSON SUGGEST IT IS TIME THE TOWN CITES THE PROPERTY OWNER FOR THE DANGEROUS SITUATION TO SAY NOTHING OF THE EYESORE THAT HAS EXISTED SINCE THE FIRE. THE BOARD INSTRUCTED MR. SAMUELSON TO CITE THE OWNERS OF THE PROPERTY.

ALSO DISCUSSED WAS THE UNSIGHTLY PROPERTY AT THE INTERSECTION OF ROUTE 380 AND HARVEY ROAD. THE MATTER IS IN TOWN COURT. THE COUNTY HEALTH DEPARTMENT IS ALSO LOOKING INTO THE MATTER PER MR. SAMUELSON.

MR. SAMUELSON NOTED THAT HE HAS JUST COMPLETED 24 HOURS OF TRAINING.

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

TOWN ATTORNEY'S REPORT

TOWN ATTORNEY ROBINSON NOTED THAT HE HAS BEEN WORKING ON A DITCH MAINTENANCE AGREEMENT BETWEEN THE TOWN AND STAHLEYS, RODGERS, EGANS, AND BLANDS (MEADOW DRIVE PROPERTIES).

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYES: THAT THE TOWN ENTER INTO THE MAINTENANCE AGREEMENT AS PREPARED BY TOWN ATTORNEY ROBINSON AND THAT THE SUPERVISOR IS AUTHORIZED TO SIGN THE EASEMENT AGREEMENT WITH THE MEADOW DRIVE PROPERTY OWNERS.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

MR. ROBINSON PRESENTED SOME INFORMATION HE RECEIVED FROM ATTORNEY ANDREW CAMPINELLI ABOUT A POSSIBLE LOCAL LAW ON 5G NETWORKS/TOWERS. THE BOARD WILL CONSIDER THE INFORMATION.

MR. ROBINSON ALSO PRESENTED A LOCAL LAW PROPOSAL ENACTING REGULATIONS FOR SOLAR ENERGY SYSTEMS FOR THE BOARD TO CONSIDER BEFORE THE OCTOBER BOARD MEETING.

TOWN SUPERVISOR'S REPORT

TOWN SUPERVISOR NOTED THAT THERE IS A RENEWABLE ENERGY PRESENTATION COMING UP SPONSORED BY THE COUNTY IDA.

HE HAS BEEN CONTACTED BY THE SOUTH AND CENTER SEWER DISTRICT ABOUT MOVING A VENT PIPE ON LIBERTY STREET. THERE WAS A LOT OF DISCUSSION AND IT TURNED OUT THAT THE PROPOSAL WAS REALLY IN THE LIBERTY STREET RIGHT-OF-WAY SO THE VILLAGE OF BEMUS POINT SHOULD BE NOTIFIED.

IN TALKING WITH NATIONAL GRID, SUPERVISOR ANDERSON SAID THAT ALL THE TOWN STREET LIGHTS CAN BE CONVERTED TO LED'S FOR THE COST OF \$4,665.09. THERE WILL BE COST SAVINGS GOING FORWARD AND THE LIGHTING WILL BE MORE EFFECTIVE.

AFTER SOME DISCUSSION, A MOTION WAS MADE BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYES: THAT THE TOWN BOARD AUTHORIZE SUPERVISOR ANDERSON TO ENTER INTO THE AGREEMENT WITH NATIONAL GRID TO CHANGE OUT ALL THE STREET LIGHTING UNITS (130) TO LED LIGHTS AT THE COST OF \$4,665.09.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

HIGHWAY SUPERINTENDENT'S REPORT

MR. HALLBERG REPORTED THAT HE HAS BEEN BUSY WITH A LOT OF PAPERWORK LATELY. ALSO, THE DEPARMENT HAS BEEN BLACKTOPPING AND THE NOVA CHIPPING WAS COMPLETED ON BAYVIEW ROAD. HE IS CURRENTLY WORKING WITH DAVE SPANN ON WHITESIDE PARKWAY BRIDGE. SOIL AND WATER HAS GRANT MONEY TO REDO THE CREEK BANK WITH LARGE ROCK. THE TOWN WILL BE ASSISTING ON THIS PROJECT. THERE HAS BEEN A LOT OF MOWING DONE AND REPLACING OF STREET SIGNS.

PUBLIC

1. DEBORAH LACKS, MAPLE STREET – ADDRESSED THE BOARD WITH HER COMPLAINTS WHICH WERE MOSTLY VILLAGE RELATED AND SELF CREATED.

THE ONE COMPLAINT THAT THE TOWN CAN HELP HER WITH IS THE 2 BOULDERS THAT WERE PLACED AT THE EDGE OF TOWN PROPERTY BORDERING MS. LACKS PROPERTY SO THAT SHE CAN NO LONGER TRESPASS. MS. LACKS NOW WANTS TO REMOVE THE TRAILER SHE LET A FRIEND STORE ON HER PROPERTY BUT CAN'T BECAUSE THE BOULDERS ARE IN THE WAY. IT WAS DECIDED THAT THE TOWN WILL REMOVE THE BOULDERS AND MS. LACKS CAN HAVE THE CAMPER REMOVED NO LATER THAN OCTOBER 14TH. MS. LACKS AGREED TO THIS.

LEGISLATOR'S REPORT

MR. CHAGNON REPORTED: THE COUNTY LEGISLATURE HELD TWO PUBLIC HEARINGS AND PASSED SEVERAL RESOLUTIONS REQUIRED IN THE PURSUIT OF FEDERAL INFRASTRUCTURE FUNDS FOR REHABILITATION PROJECTS IN THE PORTLAND POMFRET DUNKIRK SEWER DISTRICT AND THE NORTH COUNTY INDUSTRIAL WATER DISTRICT; ACCEPTED A \$193,463 AWARD FROM THE NYS DIVISION OF CRIMINAL JSUTICE SERVICES FOR THE GUN INVOLVED VIOLENCE ELIMINATION TASK FORCE TO REDUCT GUN VIOLENCE, DRUG OFFENSES, AND OTHER VIOLENT CRIMES; AUTHORIZED AGREEMENTS WITH FREWSBURG AND PINE VALLEY CENTRAL SCHOOLS TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES; AUTHORIZED UTILIZATION OF OPIOID STETTLEMENT FUNDS TO BRING MOTIVATIONAL SPEAKER CHRIS HERREN TO SPEAK WITH STUDENTS IN THE BEMUS POINT, BROTOR, CHAUTAUQUA LAKE DUNKIRK FALCONER, FREDONIA FREWSBURG, SHERMAN AND SOUTHWESTERN SCHOOL DISTRICTS ON THE TOPICS OF SUBSTANCE USE DISORDER AND WELLNESS BY SHARING HIS STORY, WHICH HAS HELPED RENEW THE FOCUS ON PREVENTION EDUCATION AND CHALLENGED AUDIENCES TO RETHINK HOW WE LOOK AT THE DISEASE OF ADDICTION; APPROVED A ONE-YEAR EXTENSION TO THE

LABOR CONTRACT WITH CSEA UNIT 6300, INCLUDING A WAGE INCREASE OF 3% AND A \$750 BONUS.

LAKE CONSULTANT

**September 13, 2022, Town of Ellery Board Meeting
Chautauqua Lake-related agenda – Jim Wehrfritz**

1. Town of Ellery herbicide-based invasive weed management

a. 2022 recap

- i. 116 acres Eurasian Water Milfoil (EWM) + 100 acres Curly Leaf Pondweed (CLP) offshore Ellery/Bemus Point treated in 2022
- ii. Ellery liable for \$40k of \$111k total Ellery cost for SOLitude coordination, monitoring, and treatments

b. 2023 CLWMA grant request requires Town endorsement by September 14, 2022 - complete

- i. \$132k request for Ellery coordination/monitoring, permit applications, and treatment
- ii. Grant request based on Ellery treatment of 100 acres EWM + 50 acres CLP
- iii. Notes
 - 1. Identical grant requests prepared by CLP and submitted by each of 3 Towns and 3 Villages for 2023
 - 2. Bemus Point grant request separate from Ellery: also \$132k for 100 acres EWM + 50 acres CLP - complete

c. 2023 herbicide treatment planning bases

- i. September 7 CLP-sponsored lower south basin boat trip (CLP, DEC, state/county politicians, etc)
- ii. Fall North Carolina State weed surveys conducted in late August, possible SOLitude surveys in spring 2023

- iii. Expect 2023 approach to permitting, treatment, and cost sharing to be similar to but improved from 2022 (Alliance grant requests total ~\$800k)

2. Chautauqua Lake Protection and Remediation Agency (CLPRA) update

- a. CLPRA-sponsored public meetings/consultant status report in July and August
- b. August 27 Ellery-sponsored public meeting attended by ~90
 - i. Introductions by Larry Anderson and Jim Wehrfritz
 - ii. Wehrfritz presented/lead discussion: ~20 questions for public use in questioning CLPRA consultant and project team
 - iii. Topics: funding sources, CLPRA governance, use of CLPRA tax/fee revenue, and public involvement in formation
 - iv. Meeting materials emailed to attendees and others
 - v. Pre- and post-meeting coverage and an editorial by the Post Journal
 - vi. Two major issues: (1) fairness of additional fees and taxes and (2) confidence in County ability to effectively manage

3. Chautauqua Lake & Watershed Management Alliance update (September 8 public Board meeting)

- a. Majority of the meeting focused on Burtis Bay and Harbor Hotel area shoreline weed fragment cleanup
 - i. Burtis Bay/hotel area shoreline orientation makes it a catch basin for fragments from up lake
 - ii. \$75k of Alliance/County funds may be committed to a CLA 3-week effort (includes County-owned equipment leased to CLA and Town of Chautauqua)

- iii. An annual problem treated as a yearly crisis rather than a planned need or a problem to be prevented
- iv. P J Wendell and Dave McCoy adamant the County will not hire a consultant to look at fragment buildup prevention
- b. CWC focus on other invasives: tree of heaven along Chadokoin (lanternfly) and starry stonewort in lake

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE FOLLOWING BUDGET TRANSFERS AND BUDGET MODIFICATIONS BE APPROVED:

\$26 FROM A 1990.4 – SPECIAL ITEMS – CONTINGENT TO A 1220.4 SUPERVISOR – CONTRACTUAL

\$638 FROM A1990.4 – SPECIAL ITEMS – CONTINGENT TO A1910.4 – SPECIAL ITEMS – UNALLOCATED INSURANCE

\$27 FROM DB9040.8 – EMPLOYEE BENEFITS – WORKERS COMP TO DB9045.8 – EMPLOYEE BENEFITS LIFE INSURANCE,

WE RESOLVE TO INCREASE YOUTH RECREATION FUND 2022 EXPENDITURE BUDGET BY \$600 WHICH REPRESENTS ADDITIONAL 2022 SUMMER RECREATIONS GEGISTRATIONS RECEIVED. THIS WILL INCREASE ACCOUNTS SY2390.3 – SHARE JOIINT ACTIVITY – REGISTRATIONS AND SY7310.4 – YOUTH PROGRAM CONTRACTUAL; AND

WE RESOLVE TO INCREASE THE HIGHWAY FUND TOWN WIDE 2022 EXPENDITURE BUDGET BY \$981 WHICH REPRESENTS MONIES RECEIVED FROM THE SALES OF SCRAP MATERIALS. THIS WILL INCREASE ACCOUNTS DA2650 – SALES OF SCRAP MATERIALS AND DA5130.4 – MACHINERY – CONTRACTUAL

MR. CRESANTI – AYE
MR. HAYES – AYE

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

VOUCHERS

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT VOUCHER #'S 455 THROUGH 515, WARRANT # 9, IN THE AMOUNT OF \$351,386.50, BE PAID AS AUDITED.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

APPOINTMENT – VACANT TOWN BOARD SEAT

MOTION BY SUPERVISOR ANDERSON: THAT DAVID BOUGHTON BE APPOINTED TO FILL THE VACANT TOWN BOARD SEAT.

TOWN CLERK HAINES REPORTED THAT THERE WAS NO SECOND TO THE MOTION AND THE MOTION DIED.

SET DATE – 2023 TENTATIVE BUDGET MEETING/WORKSHOP

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE 2023 TENTATIVE BUDGET MEETING/WORKSHOP BE SET FOR TUESDAY, OCTOBER 4, 2022, AT THE TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 4:00 PM

MR. CRESANTI – AYE
MR. HAYES – AYE

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

SET DATE/TIMES – ALL NECESSARY 2023 BUDGET PUBLIC HEARINGS AND GARBAGE BID

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE NECESSARY 2023 PUBLIC HEARINGS FOR FIRE PROTECTION BE SET FOR TUESDAY, OCTOBER 11, 2022, AT 6:15, 6:20 AND 6:25 PM AND BIDS FOR ORIENTAL PARK GARBAGE DISTRICT BE ADVERTISED/ACCEPTED UNTIL 4:00 PM, TUESDAY, OCTOBER 11, 2022.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

ADJOURNMENT

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD MEETING ADJOURN AT 7:38 PM.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

SUBMITTED:



REBECCA H. HAINES, RMC/MMC
ELLERY TOWN CLERK

/RHH