

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

SS

AUGUST 9, 2022

MINUTES OF THE TOWN BOARD MEETING HELD TUESDAY, AUGUST 9, 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

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

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

SUPERVISOR ANDERSON CALLED THE MEETING TO ORDER AT 6:00 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED. THERE WAS A MOMENT OF SILENCE IN MEMORY OF FORMER TOWN SUPERVISOR ARDEN E. JOHNSON.

JULY REPORTS

THE TOWN BOARD REVIEWED THE JULY REPORT FROM THE ZONING OFFICER, ANNE GOLLEY. MRS. GOLLEY ASKED THAT THE TOWN BOARD APPOINT CHUCK SHICK TO THE BOARD OF APPEALS TO FILL OUT THE UNEXPIRED TERM OF JIM STEBER WHO RECENTLY PASSED AWAY.

APPOINTMENT – BOARD OF APPEALS

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT CHUCK SHICK BE APPOINTED TO SERVE ON THE BOARD OF APPEALS, FILLING OUT THE UNEXPIRED TERM (RE-APPOINTMENT IN 2027) OF JIM STEBER.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

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

SUPERVISOR ANDERSON NOTED THAT THE BURNED DEBRIS FROM THE CHATTERBOX RESTAURANT CANNOT BE REMOVED AS THE MATTER IS STILL UNDER AN ACTIVE INVESTIGATION. MR. ANDERSON SAID HE DID ASK THAT SOME KIND OF BARRIER BE ERECTED AROUND THE SITE. IT WAS ALSO NOTED AFTER RECEIVING MANY COMPLAINTS ABOUT THE DEPLORABLE CONDITION OF THE PROPERTY ON THE CORNER OF ROUTE 380 AND SAGER ROAD, THE MATTER IS NOW IN TOWN COURT.

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

PUBLIC

1. JENNA CLAUSON, JOINT YOUTH RECREATION DIRECTOR – GAVE A BRIEF OVERVIEW OF THIS YEAR'S YOUTH REC PROGRAM. THERE WAS AN OVERALL ENROLLMENT OF 46 CHILDREN, WITH THE HIGHEST ONE DAY ATTENDANCE AT 32 AND THE LOWEST ONE DAY ATTENDANCE WAS 16. TWO DAYS HAD TO BE CANCELLED DUE TO INCLEMENT WEATHER. THE CHILDREN WHO ATTENDED THE MANY VARIED ACTIVITIES AND THE DAY AT WALDAMERE WATERPARK WAS A HIT AS ALWAYS. MS. CLAUSON DID SAY THAT THE SCHOOL WAS NOT AS COOPERATIVE AS USUAL AND THE FLYERS (SENT OUT BY THE SCHOOL) ABOUT THE PROGRAM WERE NOT SENT OUT IN A TIMELY MANNER.

IT WAS NOTED THAT THE VILLAGE OF BEMUS POINT FUNDS \$2,800.00 OF THE PROGRAM AND THIS YEAR THERE WERE NO CHILDREN FROM THE VILLAGE ATTENDING. THERE WERE 10 CHILDREN FROM THE TOWN OF ELLICOTT BECAUSE THE PROGRAM AS CURRENTLY SET UP ALLOWS FOR ALL CHILDREN FROM BEMUS POINT SCHOOL DISTRICT TO ATTEND. THE TOWN RECEIVES NO MONEY FROM THE SCHOOL OR TOWN OF ELLICOTT. IT WAS ALSO NOTED THAT THE PROGRAM WILL NEED TO BE REVIEWED AT BUDGET TIME.

2. JASON CARNES, SLIDE ROAD – COMPLAINED THAT THE TOWN IS ENCROACHING ON HIS PROPERTY AND JUST RECENTLY OILED/STONED AN AREA THAT HE SAID IS HIS.

THERE IS SOME DISCUSSION ABOUT SLIDE ROAD AND WHETHER IT IS A TOWN ROAD BY DEED OR A TOWN ROAD BY USE (DITCH TO DITCH). THE MATTER WILL BE INVESTIGATED.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE FOLLOWING BUDGET TRANSFER AND BUDGET MODIFICATION BE APPROVED:

\$38.00 FROM A1990.4 – SPECIAL ITEMS, CONTINGENT TO A1220.4 – SUPERVISOR, CONTRACTUAL;

AND WE RESOLVE TO INCREASE THE HIGHWAY FUND OUTSIDE VILLAGE 2022 EXPENDITURE BUDGET BY \$35,404 WHICH REPRESENTS ADDITIONAL CHIPS MONIES AVAILABLE FROM THE PAVE OUR POTHOLES (POP) PROGRAM. THIS WILL INCREASE ACCOUNTS DB3501 – CHIPS SAFER ROAD PROGRAM AND DB5112.2 – IMPROVEMENTS – CAPITAL OUTLAY.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

MINUTES AND TOWN CLERK'S JULY REPORT

AT THIS POINT IN THE MEETING, TOWN CLERK HAINES NOTED THAT THE BOARD HAD RECEIVED THE MINUTES FROM THE JULY MEETING AS WELL AS THE TOWN CLERK'S JULY REPORT IN THE AMOUNT OF \$6,060.00. THE CHECK TO THE TOWN TOTALED \$5,668.34.

VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT VOUCHER #’S 391 THROUGH 454, WARRANT # 8, IN THE AMOUNT OF \$231,177.85, BE PAID AS AUDITED.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

LEGISLATOR’S REPORT

MR. CHAGNON REPORTED: THE LEGISLATURE ADOPTED A LOCAL LAW ESTABLISHING A LANDFILL COMMISSION TO SERVE AS AN ADVISORY AND ADVOCACY BODY TO THE GOVERNMENT OF THE COUNTY OF CHAUTAUQUA CONCERNING SOLID WASTE DISPOSAL AND SOLID WASTE RELATED ACTIVITIES; ADOPTED A LOCAL LAW CONTINUING THE 19 DISTRICTS OF THE CHAUTAUQUA COUNTY LEGISLATURE, ADJUSTED FOR POPULATION CHANGES RELECTED IN THE 2020 FEDERAL CENSUS. HIS DISTRICT WILL CONTINUE TO REPRESENT THE TOWNS OF ELLERY AND NORTH HARMONY, WITH THE ADDITION OF A SMALL PORTION OF THE TOWN OF CHAUTAUQUA ADJACENT TO THE TOWN OF ELLERY, APPOINTED JAMIE S. GUSTAFSON AS LEGISLATOR FROM DISTRICT 10, WHICH INCLUDES THE SOUTH WEST PORTION OF THE CITY OF JAMESTOWN, THE VILLAGE OF LAKEWOOD AND PART OF THE TOWN OF BUSTI. THIS DISTRICT WAS PREVIOUSLY REPRESENTED BY KEN LAWTON, WHO HAS MOVED OUT OF STATE; APPOINTED DEBORAH MAKOWSKI, TO FILL THE VACANCY IN THE OFFICE OF DIRECTOR OF HUMAN RESOURCES. DEBBIE COMES TO US FROM WARREN GENERAL HOSPITAL WHERE SHE WAS EXECUTIVE DIRECTOR OF HUMAN RESOURCES, WITH PREVIOUS EXPERIENCE AT WELLS ENTERPRISES, COCKAIGNE RESORT, AND MATCO TOOLS; AND COMPLETED A PROPERTY TAX AUCTION OF PROPERTIES FORE CLOSED UPON FOR DELINQUENT PROPERTY TAX PAYMENTS. THIS IS THE FIRST TIME THE COUNTY HAS USED AN ON-LINE AUCTION FORMAT, AND THE RESULTS WERE VERY FAVORABLE WITH PROCEEDS EXCEEDING TAXES, INTEREST, AND PENALTIES OWED (EVEN IN THE CITIES).

HIGHWAY SUPERINTENDENT’S REPORT

MR. HALLBERG SAID THE DEPARTMENT IS BUSY WITH NORMAL LATE SUMMER WORK. THEY HAVE BEEN VERY BUSY WORKING WITH OTHER TOWN HIGHWAY DEPARTMENTS UNDER THE SHARED SERVICES AGREEMENT.

HE NOTED THAT THE JAMESTOWN NORTH SIDE MIDGET FOOTBALL LEAGUE HAD ASKED TO USE THE TOWN PARK FOR 2 GAMES BUT IN DISCUSSING IT WITH THE BOARD IT TURNED OUT THAT IT WON’T BE NECESSARY AS THEY HAVE FOUND ANOTHER JAMESTOWN FIELD TO USE. THE TOWN BOARD ALSO AGREED TO ALLOW THE LIMITED 5K RACE TO TAKE PLACE ON THE WALKING TRACK OCTOBER 8TH. THERE WILL PROBABLY BE ONLY 30 PEOPLE FROM THIS AREA RACING IN THE FUND RAISER.

MR. HALLBERG ALSO NOTED THAT THE TOWN BOARD NEEDS TO DECIDE ON THE PAYMENT OPTION FOR THE PURCHASE OF THE 2023 MACK GR42F TRUCK WITH HENDERSON PLOW AND DUMP BODY.

AFTER DISCUSSION, A MOTION WAS MADE BY COUNCILMAN HAYES, SECONDED BY COUNCILMAN SCHLEMMER: THAT THE TOWN IS ACCEPTING OPTION # 1 OF THE FORMAL PROPOSAL FOR PAYMENT - \$237,608.89 FOR 5 YEARS WITH THE FIRST PAYMENT DUE ONE YEAR FROM CLOSE, 10% DOWN PAYMENT, INTEREST RATE 3.990%, AND THE TOWN SUPERVISOR IS AUTHORIZED TO SIGN THE AGREEMENT.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

GREENHURST AVENUE STORM SEWER PROJECT

HIGHWAY SUPERINTENDENT HALLBERG SAID HE WOULD LIKE TO SCHEDULE THE GREENHURST AVENUE STORM SEWER PROJECT FOR THIS FALL. HE HAD SUBMITTED HIS COST ESTIMATE OF \$54,112.80 TO THE TOWN BOARD BACK IN JUNE AND WOULD LIKE TO USE SOME OF THE ARPA MONEY THE TOWN HAS RECEIVED. THERE ENSUED A LIVELY DISCUSSION ABOUT PAYMENT OPTIONS.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT 10% OF THE TOWN ARPA FUNDS WILL BE USED TOWARD THE GREENHURST AVENUE SEWER PROJECT AND THE PROJECT WILL BE COMPLETED THIS FALL UNLESS THERE ARE UNFORSEEN CIRCUMSTANCES.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

TOWN ATTORNEY'S REPORT

MR. ROBINSON NOTED THAT HE HAS SENT A LETTER TO DEBBIE LACKS ABOUT THE TREE RECENTLY CUT DOWN BORDERING THE TOWN PROPERTY AND THEN TRESPASSING ON TOWN PROPERTY TO ACCESS THE REAR OF HER MAPLE STREET PROPERTY. MR. ROBINSON SAID HE MADE IT CLEAR IN THE LETTER THAT MS. LACKS OR ANYONE TRYING TO ACCESS THE REAR OF HER PROPERTY ARE NOT ALLOWED TO USE TOWN PROPERTY OR SHE (THEY) WILL BE CHARGED WITH TRESPASSING.

HE ALSO SAID HE IS WORKING ON DEVELOPING A LOCAL LAW REGARDING 5 G NET WORK TOWERS/COMMUNICATION. HE DOES ANTICIPATE HAVING A FINAL DRAFT OF THE SOLAR ENERGY LOCAL LAW FOR THE TOWN BOARD TO REVIEW AT THE NEXT MEETING. LAST, MR. ROBINSON NOTED THAT HE HAS THE SIGNED/EXECUTED DRIVEWAY EASEMENT WITH 27 SUNNYSIDE AVENUE INC. SO THE TOWN CAN PROCEED WITH LINING THE PARKING SPOTS AND WIDENING THE BLACKTOP DRIVING SURFACE.

LAKE CONSULTANT REPORT

JIM WEHRFRITZ REPORTED ON THREE KEY AREAS:

1. 2022 CHAUTAUQUA LAKE INVASIVE WEED HERBICIDE PERMIT AND TREATMENT RESULTS;
2. CHAUTAUQUA LAKE AND WATERSHED MANAGEMENT ALLIANCE (CLWMA) UPDATE (JULY 14 PUBLIC BOARD MEETING); AND
3. CHAUTAUQUA LAKE PROTECTION AND REMEDIATION AGENCY (CLPRA) UPDATE

IT WAS AGREED THAT MR. WEHRFRITZ WILL HEAD UP THE TOWN OF ELLERY SPONSORED PUBLIC MEETING ON THE CLPRA TO BE HELD AT 9:30 AM, AUGUST 27TH AT THE LAWSON CENTE

APPOINTMENT – VACANT TOWN BOARD SEAT

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT JEREMY CRIST BE APPOINTED TO FILL THE VACANT TOWN BOARD SEAT.

MR. CRESANTI – NAYE
MR. HAYES – AYE

MR. SCHLEMMER – AYE
MR. ANDERSON – NAYE

TOWN CLERK HAINES REPORTED THAT THE MOTION FAILED.

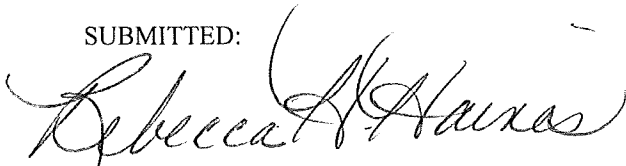
ADJOURNMENT

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN BOARD MEETING ADJOURN AT 8:14 PM.

MR. CRESANTI – AYE
MR. HAYES – AYE

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

SUBMITTED:



REBECCA H. HAINES, RMC/MMC
ELLERY TOWN CLERK

/RHH