

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

SS

MARCH 14, 2023

MINUTES OF THE TOWN BOARD MEETING HELD TUESDAY, MARCH 14, 2023 AT THE TOWN HALL, SUNNYSIDE AVENUE. BEMUS POINT, NY, COMMENCING AT 6:00 PM.

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

MINUTES TAKEN BY: REBECCA H. HAINES, TOWN CLERK

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

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

#### **FEBRUARY 14, 2023, MINUTES PRESENTED**

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER SCHLEMMER: THAT THE TOWN BOARD ACCEPT THE MINUTES FROM THE FEBRUARY 14, 2023, TOWN BOARD MEETING WITH THE WORDING LANDFILL "COMMITTEE" IN COUNCILMEMBER SCHLEMMER'S REPORT BEING CHANGED TO LANDFILL "COMMISSION".

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

#### **FEBRUARY REPORTS**

TOWN SUPERVISOR ANDERSON ACCEPTED THE TOWN CLERK'S REPORT IN THE AMOUNT OF \$4,778.00. THE CHECK TO THE TOWN TOTALED \$4,739.00. THE TAX COLLECTION AMOUNT RECEIVED TO DATE TOTALED \$6,946,251.11.

SUPERVISOR ANDERSON ALSO NOTED THAT THE FOLLOWING REPORTS HAD BEEN RECEIVED: ZONING OFFICER, CODE ENFORCEMENT OFFICER, ASSESSOR. TOWN JUSTICES, AND HIS TOWN SUPERVISOR'S FINANCIAL REPORT.

COUNCILMEMBER CRESANTI ASKED CODE ENFORCEMENT OFFICER SAMUELSON IF HE HAS BEEN CONDUCTING FIRE INSPECTIONS AND MR. SAMUELSON THEN PROVIDED A WRITTEN FIRE INSPECTION REPORT.

THERE WAS DISCUSSION ABOUT THE DOG CONTROL OFFICER.

**DOG CONTROL OFFICER RESIGNATION AND NEW APPOINTMENT**

MOTION BY COUNCILMEMBER SCHLEMMER, SECONDED BY COUNCILMEMBER CRESANTI: THAT THE RESIGNATION AS VERBALLY EXPRESSED TO TOWN SUPERVISOR ANDERSON, OF DOG CONTROL OFFICER, FLOYD KENT, BE ACCEPTED AND JOHN STOW BE APPOINTED AS DOG CONTROL OFFICER EFFECTIVE MARCH 1, 2023, AT THE BUDGETED RATE OF PAY.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

TOWN SUPERVISOR ANDERSON READ THE FIRST REPORT SUBMITTED BY DCO, JOHN STOW.

TOWN SUPERVISOR ANDERSON THEN EXPRESSED AN INTEREST IN THE OLD FLUVANNA ELEMENTARY SCHOOL AS A POSSIBLE SITE FOR THE TOWN HALL AND TOWN ATTORNEY ROBINSON SAID HE HAD SOME INFORMATION ON THE MATTER THAT WOULD NEED TO BE DISCUSSED IN AN EXECUTIVE SESSION.

MR. ANDERSON ALSO NOTED THAT HE AND JIM WEHRFRITZ WILL BE ATTENDING AN UPCOMING SEMINAR ON HARMFUL ALGAL BLOOMS (HABS) SPONSORED BY CLARKSON UNIVERSITY.

**PUBLIC**

1. GREG KORCL, BAYVIEW ROAD – EXPRESSED INTEREST IN PURCHASING A 30 FOOT PIECE OF PROPERTY ADJOINING HIS PROPERTY. IN LOOKING AT THE MAP OF THE AREA IT WAS DETERMINED THAT THE TOWN DOESN'T OWN OR HAVE ANY INTEREST IN THE PROPERTY. TOWN ATTORNEY ROBINSON SUGGESTED TO MR. KORCYL THAT HE CONTACT CHAUTAUQUA ABSTRACT TO SEE IF THEY CAN DETERMINE WHO ACTUALLY OWNS THE PARCEL IN QUESTION.
2. KIM AND JAKE STAHLEY, MEADOW DRIVE – PRESENTED THE TOWN BOARD WITH A WRITTEN TIMELINE OF THE FLOODING THAT HAS BEEN TAKING PLACE ON THEIR PROPERTY SINCE THE DITCH BEHIND THE NEIGHBORS HOUSE WAS CLEARED. THE TIMELINE RUNS FROM 7/16/2021 THROUGH 1/19/2023. THE STAHLEY'S ARE ASKING THAT THE NECESSARY WORK BE DONE BY THE TOWN AS SOON AS POSSIBLE SO THEIR PROPERTY WON'T BE FLOODED AGAIN THIS SPRING. KIM STAHLEY SAID THEIR BASEMENT HAS BEEN FLOODED TWICE.

TOWN ATTORNEY ROBINSON SAID HE NEEDS TO COMPLETE THE PAPERWORK FOR THE NECESSARY EASEMENTS AND GET IT SENT OUT.

HIGHWAY SUPERINTENDENT HALLBERG SAID THE WORK CAN BE DONE AS SOON AS ALL THE EASEMENTS ARE RECEIVED BACK FROM THE PROPERTY. HE SAID THE WORK CAN START IN THE SPRING.

**VOUCHERS**

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER CRIST: THAT VOUCHER #'S 79 THROUGH 127, WARRANT # 3, IN THE AMOUNT OF \$48,930.76, BE PAID AS AUDITED.

MR. CRIST – AYE  
MR. SCHLEMMER – AYE

MR. CRESANTI – AYE  
MR. ANDERSON – AYE – MOTION CARRIED

### **LEGISLATOR’S REPORT**

COUNTY LEGISLATOR CHAGNON REPORTED:

- THE LEGISLATURE APPROPRIATED ARPA FUNDS TO REPAIR TRAIL SECTIONS AND BRIDGES ON THE OVERLAND TRAIL AT HARRIS HILL, TO DEVELOP AND IMPLEMENT A WATERWAYS MASTER PLAN FOR THE MARDEN COBB TRAIL, TO UPGRADE THE SHERMAN DPF SHOP FUEL SYSTEM, TO IMPLEMENT A LANDFILL TRAILER PURCHASE, TO PURCHASE ADDITIONAL EMS GEAR, TO PURCHASE ADDITIONAL SOFTWARE LICENSES FOR THE SHERIFF CIVIL OFFICE, TO IMPLEMENT A PILOT RAPID-RESPONSE EMERGENCY FUND FOR EROSION AND POLLUTION CONTROL, TO IMPLEMENT THE SHOVEL READY DEVELOPMENT SITES PHASE 2 PROJECT, AND TO IMPLEMENT AN APPALACHIAN REGIONAL MULTI-STATE COLLABORATION PROJECT;
- APPROPRIATED FUNDING FOR THE CHAUTAUQUA COUNTY CONSOLIDATED CODE ENFORCEMENT STUDY, WHICH IS FUNDED BY A NEW YORK STATE DEPARTMENT OF STATE LOCAL GOVERNMENT EFFICIENCY PROGRAM GRANT WITH THE LOCAL MATCH PROVIDED BY THE CHAUTAUQUA REGION ECONOMIC DEVELOPMENT CORPORATION;
- AUTHORIZED THE COUNTY EXECUTIVE TO ENTER INTO AGREEMENTS WITH EACH SCHOOL DISTRICT WITHIN THE COUNTY FOR THE PROVISION OF EMERGENCY AND ONGOING BEHAVIORAL HEALTH SUPPORTS AND SERVICES FOR PREPARATION AND RESPONSE TO MEET THE NEEDS OF STUDENTS, FAMILIES, FACULTY AND STAFF, INCLUDING TRAINING AND PRACTICE ACTIVITIES AS PREPARATION AND/OR RESPONSE TO A DISASTER OR BEHAVIORAL HEALTH CRISIS.;
- PASSED MOTIONS CALLING ON NEW YORK STATE TO CONTINUE TO PASS-THRU-FEDERAL AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE FUNDS, URGING NEW YORK STATE APPROVAL FOR A NEW BROOKS HOSPITAL, AND URGING NEW YORK STATE TO SUPPORT NATURAL GAS.

### **HIGHWAY SUPERINTENDENT’S REPORT**

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT HAS BEEN BUSY PATCHING/REPAIRING SEASONAL ROADS AND HAULING IN ROAD MATERIAL.

MR. HALLBERG NOTED THAT THE TRUCK BIDS HE HAD HOPED TO USE FOR PURCHASING THE NEW TRUCKS HE WANTS TO ORDER, HAVE EXPIRED.

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER CRIST: THAT HIGHWAY SUPERINTENDENT HALLBERG IS AUTHORIZED TO BID FOR 3 NEW TRUCKS: 2023 FORD F-250 REGULAR CAB 8’ BOX, 2023 FORD F-250 CREW CAB 6 ¾’ BOX, AND 2023 FORD F-250 CREW DCAB 8’ BOX SERVICE BODY TRUCK (UTILITY TRUCK).

MR. CRIST – AYE

MR. SCHLEMMER – AYE

MR. CRESANTI – AYE

MR. ANDERSON – AYE – MOTION CARRIED

MR. HALLBERG ALSO NOTED THAT HE AND OTHER CHAUTAUQUA COUNTY TOWN HIGHWAY SUPERINTENDENTS JOINED WITH OTHER HIGHWAY SUPERINTENDENTS FROM ACROSS THE STATE DURING THE ADVOCACY DAYS FOR MORE MONEY FOR CHIPS, BRIDGES, PAVE NY FUNDING.

#### ATTORNEY'S REPORT

MR. ROBINSON NOTED THAT HE HAD PRESENTED THE BOARD WITH A DRAFT OF THE UPDATED NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE (THE UNIFORM CODE) AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE (THE ENERGY CODE) . A PUBLIC HEARING ON THE UPDATED CODE WILL HAVE TO BE SET. THE BOARD DECIDED TO POSTPONE ACTION UNTIL THE APRIL MEETING.

#### LAKE CONSULTANT REPORT

JIM WEHRFRITZ NOTED THAT THE APPLICATIONS FOR HERBICIDE TREATMENTS ARE PREPARED AND READY FOR THE TOWN SUPERVISORS SIGNATURE.

JOHN JABLONSKI OF 5709 CHEDWEL SAID HE IS OPPOSED TO THE USE OF HERBICIDES IN THE LAKE AND WANTS THE PUBLIC TO HAVE MORE TIME TO COMMENT DURING THE PROCESS.

THERE WAS A LOT OF DISCUSSION AND IT WAS REPEATEDLY MENTIONED THAT THE PERMIT APPLICATION PROCESS IS UNDER THE CONTROL OF NEW YORK STATE DEC. THE TOWN OF ELLERY DOES NOT GOVERN ANY OF THE REGULATIONS. THE TOWN IS AN APPLICANT ONLY.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE TOWN SUPERVISOR IS AUTHORIZED TO SIGN THE HERBICIDE PERMIT APPLICATION AND ALSO, ANY OTHER PERMIT RELATED DOCUMENTS AS/WHEN NECESSARY.

MR. CRIST – AYE

MR. SCHLEMMER – AYE

MR. CRESANTI – AYE

MR. ANDERSON – AYE – MOTION CARRIED

#### MISCELLANEOUS

COUNCILMEMBER SCHLEMMER ASKED IF THERE IS ANY MORE INFORMATION ABOUT THE SUMMER YOUTH REC PROGRAM. TOWN SUPERVISOR ANDERSON SAID HE HAS RETURNED THE CALL TO MRS. DUBOIS AT THE ELEMENTARY SCHOOL BUT SHE HAS NOT RESPONDED.

THERE WAS BRIEF DISCUSSION ABOUT THE FUNDING FOR THE PROGRAM AS IT ISN'T IN THE 2023 BUDGET. THERE IS NO MONEY IN THE CONTINGENCY FUND EITHER.

COUNCILMEMBER CRESANTI SAID HE AND DEPUTY TOWN CLERK JILL COLBURN AND ASSESSOR ANNE GOLLEY HAVE COMPILED A PROPOSED EMPLOYEE HANDBOOK AND 3 OF THE 5

MANDATORY TOWN POLICIES. HE WILL EMAIL THE BOARD MEMBERS COPIES SO THEY CAN REVIEW IT AND DISCUSS ANY QUESTIONS AND/OR REVISIONS.

**EXECUTIVE SESSION**

MOTION BY COUNCILMEMBER SCHLEMMER, SECONDED BY COUNCILMEMBER CRIST: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 7:15 PM, TO DISCUSS REAL PROPERTY AND THE SALARY OF SPECIFIC PERSONNEL.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

**REGULAR SESSION**

MOTION BY COUNCILMEMBER SCHLEMMER, SECONDED BY COUNCILMEMBER CRIST: THAT THE BOARD RETURN TO REGULAR SESSION 7:47 PM.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

**ADJOURNMENT**

MOTION BY COUNCILMEMBER CRESANTI: SECOND BY TOWN SUPERVISOR ANDERSON: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 7:47 PM.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

SUBMITTED BY:



REBECCA H. HAINES, RMC/MMC  
TOWN CLERK

/RHH