

STATE OF NEW YORK  
COUNTY OF CHAUTAUQUA  
TOWN OF ELLERY

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FEBRUARY 10, 2022

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, FEBRUARY 10, 2022, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:30 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR  
LAWRENCE A. ANDERSON, COUNCILMAN  
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  
ROBERT SAMUELSON, CODE ENFORCEMENT OFFICER  
GREG HALLBERG, HIGHWAY SUPERINTENDENT

THE PLEDGE OF ALLEGIANCE WAS OBSERVED

**DECEMBER 9, 2021 TOWN BOARD MEETING MINUTES AND JANUARY 2022 ORGANIZATIONAL MEETING MINUTES**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE DECEMBER 9, 2021 TOWN BOARD MEETING AND THE MINUTES OF THE JANUARY 2022 ORGANIZATIONAL MEETING WERE PRESENTED.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

**JANUARY REPORTS**

TOWN CLERK, REBECCA HAINES, SUBMITTED HER DECEMBER REPORT IN THE AMOUNT OF \$4,579.00. THE CHECK TO THE TOWN TOTALED \$4,485.14. TOWN CLERK HAINES ALSO SUBMITTED HER JANUARY REPORT IN THE AMOUNT OF \$5,620.65. THE CHECK TO THE TOWN TOTALED \$5,538.65. THE TAX COLLECTION REPORT SUBMITTED TOTALED \$5,973.539.04 COLLECTED TO DATE. MS. HAINES ALSO SUBMITTED HER 2021 ANNUAL REPORT AS WELL AS HER 2020 ANNUAL FOR COMPARISON PURPOSES.

TOWN CLERK HAINES ALSO GAVE THE BOARD COPIES OF THE LATEST MONTHLY PUBLICATION FROM THE ASSOCIATION OF TOWNS.

MS. HAINES ALSO PRESENTED INFORMATION FROM SOLAR SIMPLIFIED, A COMPANY OFFERING SOLAR ENERGY FOR LESS. THE BOARD AGREED THAT THE COMPANY SHOULD ATTEND A BOARD MEETING IF THEY WANT TO DISCUSS THE PRODUCT THEY ARE OFFERING.

THE TOWN BOARD ALSO RECEIVED THE DECEMBER AND JANUARY REPORTS FROM THE ZONING OFFICER, CODE ENFORCEMENT OFFICER, TOWN JUSTICES, ASSESSOR, TOWN JUSTICES AND SUPERVISOR.

**PURCHASE COMPUTER – CODE ENFORCEMENT OFFICER**

CODE ENFORCEMENT OFFICER, BOB SAMUELSON PRESENTED THE BOARD WITH QUOTES FROM SOUTHERN TIER GRAPHICS FOR THE PURCHASE OF A NEW COMPUTER. THE BOARD REVIEWED THE 2 QUOTES.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE CODE ENFORCEMENT OFFICER IS AUTHORIZED TO BUY THE NEW COMPUTER (OPTION #2 TABLET LAPTOP) FOR \$1,664.02, AS PER THE QUOTE FROM SOUTHERN TIER GRAPHICS.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

**PUBLIC**

1. LAURIE AND DAVE MILLER, OWNERS OF THE BEMUS POINT INN WERE PRESENT TO REQUEST A PUBLIC HEARING FOR A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU WITH A SIGN AND SPEAKER AT THE BEMUS POINT INN.

THERE WAS BRIEF DISCUSSION AND A MOTION WAS MADE BY COUNCILMAN HAYES, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD SCHEDULE A PUBLIC HEARING ON THE SPECIAL USE PERMIT APPLICATION FILE BY LAURIE AND DAVID MILLER, FOR THURSDAY, MARCH 10, 2022 AT 7:45 PM.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

**BUDGET TRANSFERS/MODIFICATIONS**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE FOLLOWING FUND TRANSFERS AND BUDGET MODIFICATIONS BE APPROVED AS MODIFIED:

\$436 FROM A1990.4 – CONTINGENT TO A1110.4 - JUSTICES – CONTRACTUAL,

\$35 FROM A1990.4 – CONTINGENT TO A1220.4 – SUPERVISOR – CONTRACTUAL,

\$132 FROM A1990.4 – CONTINGENT TO A1620.1 – BUILDING – PERSONAL SERVICES,

\$3,420 FROM A1990.4 – CONTINGENT TO A1620.4 – BUILDING – CONTRACTUAL,

\$2,988 FROM A1990.4 – CONTINGENT TO A3310.4 – TRAFFIC CONTROL – CONTRACTUAL,  
\$201 FROM A1990.4 – CONTINGENT TO A3510.4 – ANIMAL CONTROL – CONTRACTUAL,  
\$1,861 FROM A1990.4 – CONTINGENT TO A7110.4 – PARKS – CONTRACTUAL,  
\$5 FROM A1990.4 – CONTINGENT TO A9045.8 – EMPLOYEE BENEFITS – LIFE INSURANCE,  
\$56 FROM A1990.4 – CONTINGENT TO A9010.81 – EMPLOYEE BENEFITS – HOSP & MEDICAL – CLERK,

BUDGET MODIFICATION: We resolve to increase the 2021 General Fund Town Wide expenditure budget by \$32 due to the use of ARPA funds for services provided by Bahgat & Laurito-Bahgat, CPSs. This will increase budget lines A4039 – ARPA Revenue and A1320.49 – Independent Accounting – Contractual – ARPA,

\$11,975 FROM DB9060.8 – EMPLOYEE BENEFITS – HOSPITAL & MEDICAL TO DB5110.4 – GENERAL REPAIRS – CONTRACTUAL. AND ALSO FROM JANUARY:

\$74 FROM DA9785.64 – INSTALLMENT DEBT – PRINCIPAL – 2021 MACK PLOW TRUCK TO DA9785.74 – INSTALLMENT INTEREST – 2021 MACK PLOW TRUCK

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

COUNCILMAN SCHLEMMER SAID HE WOULD CONTACT BAHGAT & LAURITO-BAHGAT ABOUT THE GENERAL FUND OURSIDE VILLAGE TRANSFERS THAT WERE NOT AUTHORIZED.

#### VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHER #'S 1 TO 15, WARRANT # 1, IN THE AMOUNT OF \$17,457.13 AND VOUCHER #'S 16 TO 83, WARRANT #2 IN THE AMOUNT OF \$ 669,953.41 BE PAID AS AUDITED.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

#### HIGHWAY SUPERINTENDENT'S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT HE IS HAVING PROBLEMS WITH 2 OF THE PLOW TRUCKS – THE OLDEST WHICH DOES NOT WORK AT ALL AND THE LITTLE KENWORTH TRUCK THAT WON'T GO INTO REVERSE. REPAIRS WILL BE NEEDED.

HE ASKED THE SUPERVISOR AND TOWN BOARD TO SIGN THE HIGHWAY LAW 284 FORM AS REQUIRED.

HE GAVE THE BOARD THE QUOTES FROM LANDPRO FOR THE ANNUAL TRADE-IN OF THE CEMETERY AND TOWN PARK GARDEN TRACTORS.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD AUTHORIZES THE PURCHASE OF THE GARDER TRACTOR (CEMETERY) FOR THE NET AFTER TRADE-IN PRICE OF \$2990.00 AND THE PURCHASE OF THE GARDEN TRACTOR (TOWN PARK) FOR THE NET AFTER TRADE-IN PRICE OF \$3,700.00.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

NEXT, MR. HALLBERG BROUGHT TO THE BOARD'S ATTENTION THE REQUEST FROM THE CHAUTAUQUA COUNTY SHERIFF'S DEPARTMENT TO PURCHASE GAS/DIESEL AT THE HIGHWAY DEPARTMENT ON DUTCH HOLLOW ROAD. THE BOARD DISCUSSED THE MATTER AND MR. HALLBERG WILL CONTINUE DISCUSSION WITH THE SHERIFF'S DEPT.

COUNCILMAN SCHLEMMER ASKED ABOUT THE BEMUS CREEK DREDGING PROJECT. HE NOTED THAT THE TOWN NEEDS TO IDENTIFY PROPERTY OWNERS ALONG THE CREEK AND SECURE EASEMENTS FROM THEM. THE DEC HAS OK'D USING ONLY 3 SOIL SAMPLES INSTEAD OF THE ORIGINAL 5 REQUIRED SO THAT WILL SAVE SOME MONEY. IF THE PROJECT PROCEEDS AS PLANNED THE DREDGING COULD BE DONE BY NOVEMBER OF 2022.

#### **ATTORNEY'S REPORT**

ATTORNEY ROBINSON NOTED THAT THE HIGHWAY DEPARTMENT CONTRACT IS COMPLETE AND EVERYONE IS IN AGREEMENT.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE TOWN BOARD ENTER INTO THE HIGHWAY CONTRACT AS REVIEWED/AGREED RETROACTIVE TO JANUARY 1, 2022.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

#### **MISCELLANEOUS, COMMITTEE REPORTS AND CORRESPONDENCE**

COUNCILMAN CRESANTI ASKED ATTORNEY ROBINSON ABOUT THE PROGRESS OF THE SHARED DRIVEWAY AGREEMENT WITH THE PROPERTY AT 27 SUNNYSIDE AVE. AND MR. ROBINSON SAID HE IS LOOKING INTO IT.

COUNCILMAN ANDERSON NOTED THAT THE NEW FERRY SIGN AT THE ROUTE 86 EXIT WAS DAMAGED AND WILL NEED TO BE REPLACED.

COUNCILMAN HAYES REPORTED THAT HE HAS SENT OUT 3 DRAFT POLICIES FOR THE EMPLOYEE HANDBOOK FOR THE BOARD TO REVIEW.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESENTI: THAT TOWN CLERK HAINES AND DEPUTY TOWN CLERK BRAUND ARE AUTHORIZED TO ATTEND THE UPCOMING AOT VIRTUAL MEETING/TRAINING, FEBRUARY 20-23, 2022 AND ALSO APPOINT REBECCA HAINES AS THE TOWN DELEGATE.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN CLERK'S OFFICE BE AUTHORIZED TO USE CREDIT CARDS AS A METHOD OF PAYMENT FOR COLLECTION OF TAXES.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

AFTER BRIEF DISCUSSION THERE WAS A MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE TOWN COURT CLERK WHO WORKS 35 HOURS A WEEK, WORK THE REQUIRED HOURS MONDAY THROUGH THURSDAY AND GOING FORWARD THE TOWN COURT WILL BE CLOSED ON FRIDAYS.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

TOWN CLERK HAINES NOTED THAT SHE HAS BEEN TRAINED THROUGH SOUTHERN TIER WEST AND IS NOW POSTING INFORMATION AND NOTICES ON THE TOWN WEBSITE.

COUNCILMAN SCHLEMMER NOTED THAT THE TOWN DID NOT SPEND ALL THE MONEY APPROPRIATED FOR LAKE MANAGEMENT DURING FISCAL YEAR 2021. HE SUGGESTED THAT THE TOWN SET UP A CAPITAL RESERVE FOR ANY UNEXPENDED LAKE MANAGEMENT MONIES.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN BOARD SCHEDULE A PUBLIC HEARING FOR THURSDAY, MARCH 10, 2022, AT 7:35 PM, FOR THE PURPOSE OF SETTING UP A LAKE MANAGEMENT CAPITAL RESERVE ACCOUNT.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

COUNCILMAN SCHLEMMER ALSO MENTIONED THE NEED FOR A DUNS # FOR THE ARPA FUNDING. HE WILL BE WORKING WITH BAHGAT & LAURITO-BAHGAT ON IT.

COUNCILMAN SCHLEMMER READ THE REPORT SUBMITTED BY LAKE CONSULTANT, JIM WEHRFRITZ. THE GOOD NEWS IS THAT THE DEC IS GOING TO WORK WITH SOLITUDE AND THE CLP CONDUCTING THE SURVEY OF PONDWEED FOR AREAS THAT NEED HERBICIDE APPLICATION.

**RESIGNATION – TOWN SUPERVISOR**

TOWN SUPERVISOR, ARDEN JOHNSON ANNOUNCED TO THE TOWN BOARD AND THOSE PRESENT THAT HE WILL BE RESIGNING HIS POSITION EFFECTIVE MARCH 31, 2022.

TOWN CLERK HAINES RECEIVED AND ACCEPTED SUPERVISOR JOHNSON'S LETTER IN THE SUPERVISOR'S OFFICE AFTER THE BOARD MEETING.

**ADJOURNMENT**

MOTION BY SUPERVISOR JOHNSON, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 8:50 PM.

MR. ANDERSON – AYE  
MR. HAYES – AYE  
MR. CRESANTI – AYE

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

SUBMITTED:

A handwritten signature in cursive script, reading "Rebecca H. Haines".

REBECCA H. HAINES, RMC/MMC  
ELLERY TOWN CLERK

/RHH