

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

SS

FEBRUARY 14, 2023

MINUTES OF THE FEBRUARY TOWN BOARD MEETING HELD TUESDAY, FEBRUARY 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

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

MINUTES PRESENTED

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER CRESANTI: THAT THE TOWN BOARD ACCEPT THE MINUTES FROM THE JANUARY 3, 2023, ORGANIZATIONAL MEETING AND THE JANUARY 10, 2023 TOWN BOARD MEETING AS PRESENTED.

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

6:05 PM – PUBLIC HEARING – LOCAL LAW # 2 OF 2023 – AMENDING THE TOWN OF ELLERY ZONING LAW REPLACING SECTION 621 ENTITLED SOLAR ENERGY SYSTEMS AND SOLAR ACCESS WITH A NEW SECTION 621 TO BE ENTITLED REGULATIOS FOR SOLAR ENERGY SYSTEMS IN THE TOWN OF ELLERY

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE PUBLIC HEARING FOR LOCAL LAW # 2 OF 2023 BE OPENED.

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

THE BOARD REVIEWED THE PREPARED SHORT ENVIRONMENTAL ASSESSMENT FORM, PART 2 – IMPACT ASSESSMENT AND ANSWERED THE QUESTIONS.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE TOWN BOARD HAS DETERMINED, BASED ON THE INFORMATION AND ANALYSIS AS SET FORTH THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

MOTION BY COUNCILMEMBER SCHLEMMER, SECONDED BY COUNCILMEMBER CRESANTI: THAT THE PUBLIC HEARING BE CLOSED.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

THE TOWN BOARD REVIEWED THE ENVIRONMENTAL ASSESSMENT FORM FOR LOCAL LAW # 1 AND ANSWERED THE QUESTIONS.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUCILMEMBER CRIST: THAT AFTER REVIEW, THE TOWN BOARD FOUND BASED ON THE INFORMATION AND ANALYSIS AS SET FORTH, THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

6:16 PM – PUBLIC HEARING – LOCAL LAW #1

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE PUBLIC HEARING ON LOCAL LAW # 1 OF 2023 BE OPENED AT 6:16 PM.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

THIS LOCAL LAW IS BEING CONSIDERED TO INCREASE THE MINIMUM SQUARE FEET IN A SINGLE FAMILY FROM 700 SQUARE FEET TO 1,000 SQUARE FEET IN THE RA-WB DISTRICT, THE RD DISTRICT, THE RETAIL BUSINESS DISTRICT – B1, THE ELLERY BUSINESS DISTRICT – B-4 AND THE AGRICULTURAL DISTRICT – A AS WELL AS ARTICLE 2, SECTION 202 SHALL BE AMENDED TO ADD THE DEFINITION OF A LIVING FENCE WHICH SHALL BE DEFINED AS FOLLOWS: A LIVING FENCE IS A PERMANENT HEDGE TIGHT ENOUGH AND TOUGH ENOUGH TO SERVE ALMOST ANY OF THE FUNCTIONS OF A MANUFACTURED FENCE, BUT IT OFFERS AGRICULTURAL AND BIOLOGICAL SERVICES A MANUFACTURED FENCE DOES NOT. THE INTENT IS TO DEFINE A LIVING FENCE SO THAT AT MATURE GROWTH THE PLANTING GROWN TOGETHER TO MAKE A BOUNDARY.

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRESANTI: THAT THE PUBLIC HEARING BE CLOSED AT 6:18 PM.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

MOTION BY COUNCILMEMBER SCHLEMMER, SECOND BY COUNCILMEMBER CRIST: THAT THE TOWN BOARD ADOPT LOCAL LAW # 1 OF 2023.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

MOTION BY COUCLMEMBER CRIST, SECONDED BY COUNCILMEMBER CRESANTI: THAT THE TOWN BOARD ADOPT LOCAL LAW # 2 OF 2023.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

DECEMBER REPORTS

TOWN CLERK, REBECCA HAINES SUBMITTED HER JANUARY TOWN CLERK REPORT IN THE AMOUNT OF \$4,805.00. THE CHECK TO THE TOWN TOTALED \$4,696.10.

TOWN CLERK, REBECCA HAINES SUBMITTED HER 2023 TAX COLLECTION REPORT IN THE AMOUNT OF \$6,613,765.51 COLLECTED TO DATE.

IT WAS NOTED THAT THE REPORT FROM THE TOWN JUSTICES INCLUDED THE REQUEST FOR ANNUAL AUDIT BY BOARD MEMBERS. IT WAS DECIDED THAT TOWN SUPERVISOR LARRY ANDERSON AND COUNCILMEMBER JOHN CRESANTI WILL MEET WITH COURT CLERK, DEANNA CROSSLEY AT 9:00 AM THURSDAY AND REVIEW THE TOWN JUSTICES 2022 BOOKS.

ALSO REVIEWED WERE THE REPORTS FROM THE ZONING OFFICER AN CODE ENFORCEMENT OFFICER. THE TOWN SUPERVISORS FINANCIAL REPORT WAS ALSO SUBMITTED.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER CRESANTI: THAT THE FOLLOWING BUDGET TRANSFER BE APPROVED:

\$2,967 FROM DA9785.74 – INSTALLMENT DEBT – INTEREST – 2021 MACK PLOW TRUCK AND \$1,263 FROM DA9060.8 – EMPLOYEE BENEFITS – HOSPITAL & MEDICAL;

4,230 TO DA9785.64 – INSTALLMENT DEBT – PRINCIPAL – 2021 MACK PLOW TRUCK

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

DOG CONTROL OFFICER – ISSUES

TOWN SUPERVISOR ANDERSON NOTED THAT IT HAS COME TO HIS ATTENTION THAT THERE HAVE BEEN SOME ISSUES LATELY WITH THE POSITION OF DOG CONTROL OFFICER AND HE SAID HE WOULD BE TALKING WITH DCO FLOYD KENT IN THE NEAR FUTURE.

PUBLIC

THERE WAS NO ONE PRESENT WHO WISHED TO ADDRESS THE TOWN BOARD.

JEFF MOLNAR, MAYOR OF THE VILLAGE OF BEMUS POINT ADDRESSED THE BOARD WITH A REQUEST TO HAVE ONE OR TWO OF THE VILLAGE EMPLOYEES WHO MAY BE ELIGIBLE FOR HEALTH INSURANCE INCLUDED UNDER THE TOWNS HEALTH INSURANCE POLICY. THE MATTER WILL BE INVESTIGATED BUT TOWN CLERK HAINES SAID IT IS DOUBTFUL THAT THIS IS SOMETHING THAT CAN BE DONE.

LEGISLATOR'S REPORT

COUNTY LEGISLATOR CHAGNON REPORTED:

- HE WAS APPOINTED TO THE CHAUTAUQUA COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS
- THE LEGISLATURE APPROVED THE USE OF ARPA FUNDS TO PURCHASE AN ARMORED VEHICLE FOR THE COUNTY SWAT TEAM TO REPLACE THE CURRENT ONE THAT IS 45 YEAARS OLD (WHICK ON THE DAY OF THE COUNTY MEETING WAS UNABLE TO BE STARTED TO GO ON A DRUG RAID).
- THE LEGISLATURE PRESENTED MEMORIALS TO FORMER CHAUTAUQUA OUNTY LEGISLATORS WHO PASSED AWAY LAST YEAR: ARDEN JOHNSON, JACK GLENZER, ROBERT PENHARLOW AND JOHN Y. CARLSON.
- THE LEGISLATURE PASSED A MOTION HONORING VIETNAM AND VIETNAM ERA VETERANS ON THE 50TH ANNIVERSARY OF THE SIGNING OF THE PARIS PEACE ACCORDS ENDING THE VIETNAM WAR. OVER 58,000 SERVICEMEN AND SERVICE WOMEN DIED DURING THE VIETNAM WAR, INCLUDING 51 SERVICE MEN FROM CHAUTAUQUA COUNTY. VIETNAM AND VIETNAM ERA VETERANS DID NOT RETURN TO A HOMECOMING OF PARADES AND CELEBRATIONS THAT VETERANS OF PREVIOUS WARS RETURNED TO. AND OFTENTIMES THESE VETERANS RETURNED HOME TO INDIFFERENCE, RIDICULE, OR SCORN. THE LEGISLATURE OFFERED GRATITUDE AND A BELATED WELCOME HOME TO THESE PROUD VETERANS.

VOUCHERS

MOTION BY COUNCILMEMBER CRESANTI, SECOND BY COUNCILMEMBER SCHLEMMER: THAT VOUCHER #'S 18 THROUCH 78, WARRANT/ABSTRACT # 2, IN THE AMOUNT OF \$\$563,705.31, BE PAID AS AUDITED.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

HIGHWAY SUPERINTENDENT'S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT HAS FIXED A COUPLE OF THE SANDERS AND 1 TRUCK THIS PAST MONTH AS WELL AS KEEPING BUSY WITH TRIMMING OF ROADSIDE BRUSH AND TREES.

MR. HALLBERG PRESENTED THE TOWN BOARD WITH QUOTES 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). HE NOTED THAT THE TRUCKS CAN BE BOUGHT UNDER STATE CONTRACT (UNDER THE VILLAGE OF GOWANDA BID) AND THAT THE MONEY TO PURCHASE THE TRUCKS IS INCLUDED IN THE 2023 TOWN BUDGET – DA 5130.2, MACHINERY EQUIPMENT.

THERE WAS DISCUSSION AND IT WAS REQUESTED THAT HIGHWAY SUPERINTENDENT HALLBERG GET A COPY OF THE STATE CONTRACT BID FROM THE VILLAGE OF GOWANDA AND THEN THE MATTER WILL AGAIN BE DISCUSSED AT THE MARCH BOARD MEETING.

ATTORNEY'S REPORT

MR. ROBINSON NOTED THAT HE HAS THE INTERMUCIPAL AGREEMENT BETWEEN THE TOWN OF ELLERY AND THE VILLAGE OF BEMUS POINT UNDER WHICH THE BUILDING INSPECTOR FOR THE TOWN OF ELLERY SHALL ALSO PERFORM SERVICES ON A PART TIME BASIS FOR THE VILLAGE OF BEMUS POINT.

MOTION BY COUNCILMEMBER CRIST, SECOND BY COUNCILMEMBER SCHLEMMER: THAT TOWN SUPERVISOR ANDERSON IS AUTHORIZED TO SIGN THE INTERMUNICIPAL AGREEMENT FOR CODE ENFORCEMENT OFFICER DUTIES BETWEEN THE TOWN OF ELLERY AND VILLAGE OF BEMUS POINT, AS PREPARED BY TOWN ATTORNEY ROBINSON.

MR. CRIST – AYE

MR. CRESANTI – AYE

MR. SCHLEMMER – AYE

MR. ANDERSON – AYE – MOTION CARRIED

TOWN ATTORNEY ROBINSON ALSO PRESENTED 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) THAT THE TOWN BOARD WILL HAVE TO REVIEW, SET A DATE FOR A PUBLIC HEARING AND ULTIMATELY ADOPT.

MISCELLANEOUS

IT WAS NOTED ON THE ASSESSOR'S REPORT THAT NEW YORK STATE HAS PASSED A NEW EXEMPTION FOR VOLUNTEER FIREFIGHTERS. CHAUTAUQUA COUNTY HAS NOT VOTED ON IT AS YET. THE NEW LAW GIVES ALL MUNICIPALITIES THE LOCAL OPTION ON WHETHER TO OPT IN OR NOT AND AT WHAT AMOUNT THE EXEMPTION COULD BE. THERE WILL BE MORE INFORMATION TO FOLLOW. ANY ACTION TAKEN WILL PERTAIN TO 2024 TAXES.

MR. ROBINSON ALSO NOTED THAT IN RESPONSE TO THE QUESTION ABOUT THE STAHLEY EASEMENT SITUATION/WORK TO BE DONE ON MEADOW DRIVE, HE IS STILL WAITING TO RECEIVE SIGNED EASEMENTS FROM THE OTHER AREA PROPERTY OWNERS.

COUNCILMEMBER CRESANTI WILL BE SCHEDULING A MEETING WITH DEPUTY TOWN CLERK, JILL COLBURN AND TOWN ASSESSOR, ANNE GOLLEY AND THE THREE OF THEM WILL BE WORKING ON REVIEWING/REVISING THE TOWN OF ELLERY EMPLOYEE HANDBOOK AND WHEN THAT IS COMPLETED THEY WILL ALSO WORK ON THE TOWN POLICIES THE TOWN IS REQUIRED TO HAVE.

COUNCILMEMBER SCHLEMMER GAVE A REPORT ON THE FIRST LANDFILL COMMITTEE MEETING HE RECENTLY ATTENDED. COUNTY LEGISLATOR, DAN PAVLOCK IS THE CHAIRMAN OF THE COMMITTEE. THE COMMITTEE OFFICIALLY VOTED TO ENDORSE THE USE OF ARPA FUNDS FOR A BUILDING ADDITION AT THE LANDFILL. THEY HOWEVER DID NOT VOTE TO ENDORSE USING ARPA FUNDS FOR TRAILERS – IT WAS NOTED AT THIS POINT BY COUNTY LEGISLATOR CHAGNON THAT THE FUNDING FOR THIS HAD PREVIOUSLY BEEN APPROVED BY THE COUNTY LEGISLATURE.

THERE WAS SOME DISCUSSION ABOUT THE SUMMER YOUTH REC PROGRAM. IT WAS NOTED BY COUNCILMEMBER SCHLEMMER THAT THE FINANCIAL REPORT FROM BAHGAT & LAURITO-BAHGAT SHOWS MONEY INCLUDED IN THE 2023 BUDGET FOR THE PROGRAM. TOWN CLERK HAINES SAID IT SHOULD NOT REFLECT THAT BECAUSE THE MONEY WAS NOT IN THE 2023 TENTATIVE BUDGET AND BECAUSE THE 2023 BUDGET PROCESS WAS HALTED WITH OUT ANY PRELIMINARY BUDGET BEING APPROVED THE TENTATIVE BUDGET BECAME THE DEFAULT 2023 BUDGET. SO, THERE'S NO MONEY APPROPRIATED.

SUPERVISOR ANDERSON SAID HE HAD RECEIVED A TELEPHONE CALL FROM MRS. DUBOIS, PRINCIPAL OF THE BEMUS POINT ELEMENTARY SCHOOL ASKING ABOUT THE YOUTH REC PROGRAM. HE WILL HAVE TO CALL HER BACK TO WHAT QUESTIONS SHE MAY HAVE. THERE WAS NO DECISION MADE ON THE FATE OF THE YOUTH REC PROGRAM.

COUNCILMEMBER CRESANTI SUGGESTED THAT THE TOWN BOARD CONSIDER THE OLD FLUVANNA ELEMENTARY SCHOOL AS A POSSIBLE SITE FOR A NEW TOWN HALL. THE IDEA MAY BE EXPLORED.


ADJOURNMENT

MOTION BY COUNCILMEMBER SCHLEMMER, SECONDED BY COUNCILMEMBER CRIST: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 7:24 PM.

MR. CRIST – AYE
MR. SCHLEMMER – AYE

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

SUBMITTED BY:


REBECCA H. HAINES, MMC
TOWN CLERK