

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA) SS MARCH 10, 2022
TOWN OF ELLERY)

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, MARCH 10, 2022, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:32 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN
MARK R. SCHLEMMER, COUNCILMAN

ABSENT: STEVEN K. HAYES, 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 JOHNSON CALLED THE MEETING TO ORDER AT 7:32 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED

FEBRUARY 10, 2022 TOWN BOARD MEETING MINUTES

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD ACKNOWLEDGES THAT THE MINUTES OF THE FEBRUARY 10, 2022, TOWN BOARD MEETING WERE PRESENTED.

MR. ANDERSON – AYE	MR. SCHLEMMER – AYE
MR. HAYES – ABSENT	MR. JOHNSON – AYE - MOTION CARRIED
MR. CRESANTI – AYE	

FEBRUARY REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER FEBRUARY TOWN CLERK REPORT IN THE AMOUNT OF \$2,458.00. THE CHECK TO THE TOWN TOTALED \$2,382.50. THE TAX COLLECTION REPORT SUBMITTED TOTALED \$6,295,522.28 COLLECTED TO DATE WITH THREE WEEKS LEFT FOR TOWN COLLECTION.

THE TOWN BOARD REVIEWED THE FEBRUARY REPORT FROM THE ZONING OFFICER. ANNE GOLLEY NOTED THAT SHE IS HAVING A PROBLEM GETTING A QUORUM FOR THE PLANNING BOARD AND ZONING BOARD MEETINGS. SHE SUGGESTED THAT THE TOWN BOARD CONSIDER COMBINING THE BOARDS SO THERE ARE ENOUGH PEOPLE FOR A QUORUM. AFTER DISCUSSION, TOWN ATTORNEY ROBINSON SUGGESTED THAT MRS. GOLLEY POLL THE CURRENT MEMBERS OF BOTH BOARDS AND DETERMINE WHO WANTS TO CONTINUE SERVING ON THE BOARDS BEFORE THE TOWN BOARD MAKES ANY DECISIONS.

AT THIS POINT IN THE MEETING, ASSEMBLYMAN ANDREW GOODELL PRESENTED A PROCLAMATION ON BEHALF OF BOTH HIMSELF AND SENATOR BORRELLO TO SUPERVISOR JOHNSON WHO IS RETIRING ON MARCH 13TH. FOR TOWN SUPERVISOR JOHNSON'S 46 YEARS AS SUPERVISOR AND 4 YEARS AS COUNTY LEGISLATOR.

THE MEETING CONTINUED WITH THE CODE ENFORCEMENT OFFICER'S REPORT. MR. SAMUELSON NOTED THAT HE HAS AGAIN ATTACHED A CONDEMNED SIGN TO MR. LUCARIELLO'S PROPERTY ON ROUTE 430. THE ELECTRIC THAT HAS BEEN ILLEGALLY CONNECTED HAS BEEN TURNED OFF BY NATIONAL GRID. MR. SAMUELSON ALSO NOTED THAT HE IS NOW USING HIS NEW LAPTOP.

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

PUBLIC

1. COUNTY EXECUTIVE, PJ WENDEL, PRESENTED A PROCLAIMTION TO TOWN SUPERVISOR JOHNSON IN HONOR OF HIS 50 YEARS OF PUBLIC SERVICE.
2. CHERYL JOHNSON, ROUTE 430 – ASKED FOR AN UPDATE ON MR. LUCARIELLO'S PROPERTY AND NOTED THAT THERE ARE STILL PEOPLE LIVING IN THE HOUSE EVEN THOUGH IT HAS BEEN CONDEMNED. MRS. JOHNSON ALSO NOTED THAT THERE HAVE BEEN SEVERAL BREAK-INS IN THE NEIGHBORHOOD.
3. KATHY BENWARE, HEINEMAN ROAD – NOTED THAT THERE ARE PEOPLE HANGING OUT AT THE BACK CORNER OF THE PARK AFTER DARK AND THERE IS A LOT OF TRASH AND DEBRIS LEFT IN THE AREA. PEOPLE ARE ALSO SMOKING IN THE TOWN PARK.
4. BOB SAMUELSON – SAID HIS NIECE AND 5-YEAR-OLD DAUGHTER WERE AT THE TOWN PARK AND HAD TO LEAVE BECAUSE PEOPLE WERE SMOKING MARIJAUNA.

PUBLIC HEARING – 7:35 PM – LAKE MANAGEMENT CAPITAL RESERVE FUND

THE PUBLIC HEARING COMMENCED AT 8:02 PM. THIS PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF CONSIDERING THE ADVISABILITY OF ESTABLISHING A LAKE MANAGEMENT CAPITAL RESERVE ACCOUNT TO SET ASIDE FUNDS TO USE IN THE MAINTENANCE AND REHABILITATION OF THOSE AREAS OF CHAUTAUQUA LAKE WHICH BORDER THE TOWN OF ELLERY. NO ONE SPOKE AND THE HEARING WAS CLOSED.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN OF ELLERY ESTABLISH A LAKE MANAGEMENT CAPITAL RESERVE ACCOUNT AND ANY MONIES APPROPRIATED FOR LAKE MANAGEMENT AND NOT SPENT DURING THAT FISCAL YEAR WILL BE TRANSFERRED ON AN ANNUAL BASIS INTO THE LAKE MANAGEMENT CAPITAL RESERVE ACCOUNT.

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

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

PUBLIC HEARING – 7:45 PM – SPECIAL USE PERMIT APPLICATION- BEMUS INN

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 8:05 PM. THIS PUBLIC HEARING IS BEING HELD TO CONSIDER THE SPECIAL USE PERMIT APPLICATION BY DAVID MILLER (BEMUS INN) TO CONSTRUCT A FOOD DRIVE THROUGH BUSINESS, WITH A SIGN AND A COMMUNICATION SYSTEM TO BE USED IN CONNECTION WITH THE DRIVE THROUGH FOR THE PURPOSE OF ORDERING FOOD AND BEVERAGES.

LAURIE MILLER, OWNER OF THE BEMUS INN ADDRESSED THE BOARD WITH A BRIEF RECAP OF PROPOSED PLANS FOR THE DRIVE THROUGH BUSINESS TO BE KNOWN AS “BUNS ON THE RUN”. THE DRIVE THROUGH WOULD BE OPEN MONDAY-SATURDAY, 6:30 AM TO 4:00 PM. IT IS GOING TO BE SET UP SO THAT THERE ISN’T A LONG WAIT BECAUSE THE MENU IS SOMEWHAT LIMITED AND WILL BE HANDLED OUT OF A SEPARATE KITCHEN. PEOPLE WILL BE ABLE TO ORDER AND PICK UP IN A VERY SHORT TIME. THE DRIVE THROUGH WILL ACCOMMODATE 4 CARS AT A TIME.

1. AMY JO CATLETT WHO LIVES BEHIND THE BEMUS INN SAYS SHE IS IN SUPPORT OF THE DRIVE THROUGH BUT WANTED ASSURANCE THAT THE COMMUNICATION SYSTEM WOULDN’T BE OVERLY LOUD OR INTERFER WITH HER ENJOYMENT OF HER BACKYARD.

IT WAS NOTED THAT THE DECIBEL LEVEL OF THE SYSTEM IS WITHIN ACCEPTED LIMITS.

2. EARL JOHNSON – ALSO OWNS PROPERTY BEHIND THE BEMUS INN AND SAID HE HAS ALREADY TALKED WITH THE MILLERS ABOUT THE BUSINESS DETAILS AND HE IS IN SUPPORT OF THE BUSINESS.

THE TOWN BOARD AND THE MILLERS DISCUSSED AND AGREED ON DAYS AND HOURS BEING MONDAY THROUGH SATURDAY, 6:30 AM TO 4:00 PM, ADDING LANDSCAPING ALONG THE DRIVEWAY, THE USE OF LIGHTING ALREADY EXISTING ON THE BUILDING AND ALL OTHER LIGHTING BEING UNINTRUSIVE AND MONITORING THE DRIVE THROUGH SO THAT NO WAITING DRIVE THROUGH TRAFFIC IS ON THE PUBLIC STREET.

THIS ALL BEING AGREED, A MOTION WAS MADE BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN SCHLEMMER: THAT DAVID AND LAURIE MILLER, DBA THE BEMUS INN, ARE GRANTED A SPECIAL USE PERMIT TO OPERATE THE DRIVE THROUGH BUSINESS TO BE KNOWN AS “BUNS ON THE RUN” WITH STIPULATIONS AS STATED ABOVE.

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

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

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE FOLLOWING FUND TRANSFERS AND BUDGET MODIFICATIONS FROM DECEMBER 31, 2021 BE APPROVED.

\$850 FROM B8020.4 – PLANNING CONTRACTUAL TO B5182.4 – STREET LIGHTING CONTRACTUAL,

\$1,620 FROM B8010.4- ZONING CONTRACTUAL TO B8010.11 – ZONING PERSONAL SERVICES,

\$1347 FROM b8010.4 – ZONING CONTRACTUAL TO B8020.11 – PLANNING PERSONAL SERVICES

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

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

VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHER #’S 84 TO 143, WARRANT #3 IN THE AMOUNT OF \$46,062.45, BE PAID AS AUDITED.

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

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

LEGISLATOR’S REPORT

COUNTY LEGISLATOR CHAGNON REPORTED: COUNTY EXECUTIVE WENDELL GAVE AN INSPIRING STATE OF THE COUNTY ADDRESS HIGHLIGHTING THE 2021 CHALLENGES WITH THE COVID-19 PANDEMIC

- ❖ THE CHAUTAUQUA COUNTY HEALTH DEPARTMENT HELD 173 COVID-19 VACCINE CLINICS AND ADMINISTERED OVER 40,000 COVID-19 VACCINE DOSES TO HOMEBOUND RESIDENTS, HOMELESS SHELTERS, SOUP KITCHENS, SENIOR HOUSING COMPLEXES, SENIOR DAY CENTERS, AND CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.
- ❖ THROUGHOUT 2021, THE COUNTY PARTNERED WITH COMMUNITY ORGANIZATIONS AND SCHOOLS TO CONDUCT 9, 586 COVID-19 TESTS.
- ❖ THE OFFICE OF EMERGENCY SERVICES DISTRIBUTED OVER 40,000 AT HOME COVID-19 TEST KITS, OVER 48000 KN95 FACEMASKS, AND OVER 10,000 CLOTH FACEMASKS.

BECAUSE OF SUCCESSFUL BUDGETING FOR 2021 AND A STRONG ECONOMIC RECOVERY, THE COUNTY CONTRIBUTED OVER \$8.5 MILLION TO THE FUND BALANCE BRINGING IT TO 10% OF REVENUES, COMFORTABLY IN THE MIDDLE OF THE FINANCE POLICY RANGE OF 5 TO 15%.

ECONOMIC DEVELOPMENT ACTIVITIES RESULTED IN \$164 MILLION OF NEW CAPITAL INVESTMENTS CREATING 314 NEW JOBS AND RETAINING 1,750 EXISTING JOBS. 2021 ENDED WITH THE LOWEST UNEMPLOYMENT RATE SINCE THE 1990’S. HE ALSO ACKNOWLEDGED THAT THERE IS STILL WORK TO BE DONE TO ADDRESS THE CONTINUING TREND OF POPULATION DECLINE.

HE REVIEWED NUMEROUS COUNTY INFRASTRUCTURE PROJECTS BEGUN IN 2021, INCLUDING THE SOUTH & CENTER CHAUTAUQUA LAKE SEWER DISTRICTS’ WESTSIDE SEWER EXTENSION PROJECT.

HE DISCUSSED THE ON-GOING EFFORTS OF RE-IMAGINING COUNTY GOVERNMENT, INCLUDING THE HIRING OF A SAFETY COORDINATOR AND A FULL-TIME AIRPORT MANAGER, ESTABLISHING A TELEWORK POLICY, REBRANDING THE CARTS TRANSPORTATION SYSTEM, AND THE RESTRUCTURING OF THE FINANCE DEPARTMENT AND DEPARTMENT OF PUBLIC FACILITIES.

HE ENDED BY REVIEWING THE THREE PILLARS OF HIS STRATEGY GOING FORWARD: STRENGTHENING COMMUNITIES, GROWING OUR ECONOMY, AND INVESTING IN OUR FUTURE.

HIGHWAY SUPERINTENDENT'S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT IS BUSY WITH NORMAL WINTER ACTIVITIES. HE SAID TOWN CLERK HAINES WILL PUBLISHING THE ROAD WEIGHT LIMIT NOTICE SHORTLY.

MR. HALLBERG PRESENTED THE BOARD WITH WRITTEN OPTIONS FOR PAYING FOR THE TRACTOR AND MOWER AS WELL AS THE BALANCE TO BE PAID ON THE JOHN DEERE LOADER. THE BOARD DISCUSSED OPTIONS.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT A PUBLIC HEARING ON THE POSSIBLE EXPENDITURE OF MONIES FROM THE HIGHWAY EQUIPMENT RESERVE FUND BE SCHEDULED FOR 7:45 PM, THURSDAY, APRIL 14, 2022.

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

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

MR. HALLBERG ALSO NOTED THAT IT IS TIME TO CONSIDER PURCHASING 2 NEW PICKUP TRUCKS. HE SAID HE WILL HAVE INFORMATION FOR THE BOARD AT THE APRIL MEETING.

COUNCILMAN CRESANTI ASKED MR. HALLBERG FOR A LIST OF HIGHWAY DEPARTMENT EMPLOYEE CELL PHONE NUMBERS.

ATTORNEY'S REPORT

ATTORNEY ROBINSON SAID HE HAS BEEN TO COURT ON A COUPLE OF ZONING MATTERS.

MR. ROBINSON ALSO NOTED THAT THE POSITION OF TOWN SUPERVISOR WILL BECOME VACANT EFFECTIVE MARCH 13TH, WITH MR. JOHNSON'S RESIGNATION. ALTHOUGH THE POSITION IS VACANT, MR. SCHLEMMER AS DEPUTY SUPERVISOR WILL ASSUME THE POWERS, DUTIES AND RESPONSIBILITIES UNTIL SUCH TIME AS THE POSITION OF TOWN SUPERVISOR IS FILLED.

AFTER BRIEF DISCUSSION, A MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE DEPUTY SUPERVISOR IS AUTHORIZED TO SIGN THE HERICIDE APPLICATIONS TO THE NYS DEC WHEN THE PERMITS ARE PREPARED/READY.

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

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

LAKE MANAGEMENT CONSULTANT

JIM WEHRFRITZ REPORTED THAT MR. CHAGNON PROVIDED A CLPRA UPDATE. THERE WAS A MEETING MARCH 9TH, THE FIRST SINCE JULY 4, 2021. TWO CONSULTANTS WERE INTERVIEWED

RELATIVE TO THEIR SUBMITTED PROPOSALS FOR STUDY OF OPTIONS FOR A NEW LAKE-RELATED TAXATION DISTRICT. THE CLPRA BOARD VOTED TO SELECT BARTON & LOGUIDICE AND MR. WEHRFRITZ CONCURRED BASED ON THEIR PRESENTATION AND INTERVIEW.

2022 RFA GRANT AWARDS WERE FINALIZED AT THE PUBLIC ALLIANCE BOARD MEETING. THE FINAL RESULTS: \$333K TO CLA, \$239K TO CLP, AND \$122K TO OTHERS (TOTAL \$694k) WITH \$174K TO HERBICIDES FOR 3 TOWNS/3 VILLAGES INCLUDING \$50K GRANT FROM THE HULTQUIST FOUNDATION.

ALSO, THE ALLIANCE BOARD ELECTIONS WILL BE HELD IN MAY WITH 2 AT-LARGE AND 1 MUNICIPALITY POSITIONS ON THE BALLOT. MIKE LATONE AND MARY HUTCHINGS ARE THE AT-LARGE INCLUBENTS AND ROB YATES IS THE MUNICIPALITY INCUMBENT. NOMINATIONS MUST BE SUBMITTED BY MAY 5. THE PROCESS IS DIFFERENT FROM LAST YEAR, ALL NOMINATED QUALIFIED NAMES WILL BE ON THE BALLOT. MUNICIPAL NOMINEES MUST HAVE THE APPROVAL OF THEIR BOARD, REQUIRES AN UPGRADE OF THE VOTING PROCEDURE. PRIMARY AND SECONDARY ALLIANCE CONTACTS, CURRENTLY ARDEN AND MARK, RESPECTIVELY WILL NEED TO BE UPGRADED WITH ARDEN'S RETIREMENT.

THE INSTITUTION HAS HIRED A LAKE PROJECT MANAGER, TOBY SHEPHERD (DAVE SHEPHERD'S SON).

MISCELLANEOUS, COMMITTEE REPORTS AND CORRESPONDENCE

COUNCILMAN SCHLEMMER NOTED THAT BAHGAT & LAURITO-BAHGAT HAS 2 OUTSTANDING CHECKS FROM DECEMBER 2021, – ONE FOR JEREMY CRIST – WHO HAPPENED TO BE AT THE MEETING AND SAID HE HAD JUST DEPOSITED THE CHECK AND ONE THAT MR. HALLBERG SAID HE WILL LOOK INTO.

ADJOURNMENT

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 9:00 PM.

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

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

SUBMITTED:



REBECCA H. HAINES, RMC/MMC
ELLERY TOWN CLERK

/RHH