

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA) SS SEPTEMBER 10, 2020
TOWN OF ELLERY)

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, SEPTEMBER 10, 2020, AT THE ELLERY TOWN PARK, PAVILION 1, ROUTE 430, BEMUS POINT, NY, COMMENCING AT 6:02 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
STEVEN K. HAYES, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN @ 6:08 PM
MARK R. SCHLEMMER, COUNCILMAN

ABSENT: G. CRAIG MILLER, 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
ROBERT SAMUELSON, CODE ENFORCEMENT OFFICER

SUPERVISOR JOHNSON CALLED THE MEETING TO ORDER AT 6:02 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED.

ACCEPTANCE – TOWN BOARD MEETING MINUTES –AUGUST 13, 2020

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE MINUTES OF THE TOWN BOARD MEETING HELD AUGUST 13, 2020, BE ACCEPTED FOR FILING.

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

SCHEDULE DEDICATION – NEW MUSICAL TOY – TOWN PARK

SHERRIE MCCALL ADDRESSED THE TOWN BOARD STATING THAT SHE WOULD LIKE TO HAVE A DEDICATION OF THE NEW MUSICAL TOY INSTALLED AT THE TOWN PARK. FUNDS WERE RAISED TO BUY THE NEW TOY IN MEMORY OF HER NEPHEW, DAKOTA SPENCER WHO PASSED AWAY AT AGE 5 ON APRIL 9, 2019. DAKOTA SPENT MANY HOURS AT THE TOWN PARK WATCHING SPORTS AND HE LOVED MUSIC. MS. MCCALL ASKED THAT A PLACQUE IN DAKOTA’S MEMORY BE PLACED NEARBY THE NEW TOY. SUPERVISOR JOHNSON SAID HE WOULD BE IN TOUCH WITH MS. MCCALL ABOUT THE DATE AND TIME FOR THE DEDICATION.

AUGUST REPORTS

TOWN CLERK, REBECCA HAINES SUBMITTED HER AUGUST REPORT IN THE AMOUNT OF \$7,924.00. THE CHECK TO THE TOWN TOTALED \$6,641.11

THE BOARD REVIEWED/DISCUSSED THE AUGUST REPORTS SUBMITTED BY THE ZONING OFFICER, CODE ENFORCEMENT OFFICER, ASSESSOR, TOWN JUSTICES AND SUPERVISOR.

PUBLIC

1. MARIA JUNG, CRESTVIEW DRIVE, REPORTED THAT HER NEIGHBORS HAVE ALLOWED THEIR DAUGHTER AND HER FRIENDS TO CONGREGATE AND PARTY OUTSIDE VERY LATE ALL SUMMER LONG AND SHE WANTS TO HAVE A NOISE ORDINANCE SO QUIET HOURS CAN BE ENFORCED GOING FORWARD. MRS. JUNG SAID SHE HAS NOT SPOKEN WITH HER NEIGHBORS OR CALLED THE POLICE BECAUSE SHE IS TRYING TO BE NICE.

THERE WAS DISCUSSION AND A MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE MATTER OF A NOISE ORDINANCE BE REFERRED TO THE PLANNING BOARD FOR THEIR REVIEW/RECOMMENDATION WHENEVER THE BOARD MEETS AGAIN.

MR. HAYES – AYE

MR. JOHNSON – AYE

MR. CRESANTI – AYE

MR. MILLER – ABSENT - MOTION CARRIED

MR. SCHLEMMER – AYE

6:20 PM – PUBLIC HEARING – HIGHWAY EQUIPMENT CAPITAL RESERVE

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 6:22 PM. THE PURPOSE OF THE PUBLIC HEARING IS TO CONSIDER EXPENDITURE OF MONIES FROM THE HIGHWAY EQUIPMENT CAPITAL RESERVE FOR THE PURCHASE OF A NEW JOHN DEERE LOADER. THERE BEING NO PUBLIC COMMENT, SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT \$56,450.00 BE EXPENDED FROM THE HIGHWAY EQUIPMENT CAPITAL RESERVE TOWARD THE PURCHASE OF THE NEW LOADER.

MR. HAYES – AYE

MR. JOHNSON – AYE

MR. CRESANTI – AYE

MR. MILLER – ABSENT - MOTION CARRIED

MR. SCHLEMMER – AYE

BUDGET TRANSFERS/MODIFICATIONS

MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECONDED BY COUNCILMAN CRESANTI: THAT THE FOLLOWING BUDGET MODIFICATIONS/TRANSFERS BE APPROVED:

We resolve to increase the General Fund Town Wide 2020 expenditure budget by \$798 which represents monies received from NYS for personal protective equipment for the court. This will increase accounts A3089 – State Aid, Other, Court PPE and A1110.4 – Justices – Contractual.

We resolve to increase the Highway Fund Town Wide 2020 expenditure budget by \$2,000 which represents monies received from the sale of the brush hog. This will increase accounts DA2665 – Sales of Equipment and DA5130.2 – Machinery – Equipment;

We resolve to increase the Highway Fund Town Wide 2020 expenditure budget by \$742 which represents monies received from the sale of scrap material. This will increase accounts DA2650 – Sales of Scrap Materials and DA5130.4 – Machinery – Contractual;

We resolve to increase the Highway Fund Town Wide 2020 expenditure budget by \$46,957. This will increase accounts DA9785.62 – Installment Debt – Principal – Back Hoe by \$45,923 and DA9785.72 – Installment Debt – Interest – Back Hoe by \$1,034 and decrease Appropriated Fund Balance.

Budget Transfers:

\$3,318 From DA5130.2 – Machinery – Equipment, To DA5130.4 – Machinery – Contractual

\$250 From DA5940.8 Employee Benefits – Worker’s Comp, To DA5140.4 – Misc. Brush & Weeds – Contractual

MR. HAYES – AYE
MR. CRESANTI – AYE
MR. SCHLEMMER – AYE

MR. JOHNSON – AYE
MR. MILLER – ABSENT - MOTION CARRIED

VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT VOUCHER #'S 417 THROUGH 465, WARRANT #9, IN THE AMOUNT OF \$112,762.67, BE PAID AS AUDITED.

MR. HAYES – AYE
MR. CRESANTI – AYE
MR. SCHLEMMER – AYE

MR. JOHNSON – AYE
MR. MILLER – ABSENT - MOTION CARRIED

SET DATE – PUBLIC HEARINGS – FIRE PROTECTION DISTRICTS – 2021 BUDGET

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE 2021 BUDGET PUBLIC HEARINGS FOR DEWITTVILLE, SINCLAIRVILLE AND BEMUS POINT BE SET FOR 7:00 PM, 7:05 PM, AND 7:10 PM, THURSDAY OCTOBER 8, 2020 AT THE BEMUS POINT FIRE DEPARTMENT AND THE REGULAR MEETING WILL FOLLOW IMMEDIATELY AFTER.

MR. HAYES – AYE
MR. CRESANTI – AYE
MR. SCHLEMMER – AYE

MR. JOHNSON – AYE
MR. MILLER – ABSENT - MOTION CARRIED

6:30 PM – PUBLIC HEARING – SALE OF PROPERTY – WARNER BAY

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 6:38 PM. TOM GOODELL OF WARNER BAY SAID HE HAD NO OBJECTION TO THE SALE OF THE TOWN PROPERTY AS SURVEYED TO THE ADJOINING PROPERTY OWNER BRAD HENDRICKSON. SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN PROCEED WITH THE SALE OF THE PROPERTY TO MR. HENDRICKSON IN WARNER AS SHOWN IN THE SURVEY/DEED, FINDING THAT THERE IS NO PUBLIC USE FOR SAID PROPERTY.

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

HIGHWAY SUPERINTENDENT’S REPORT

MR. HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT OF BEEN BUSY OILING, MOWING AND REPAIRING EQUIPMENT, ALL THE NORMAL ACTIVITIES GETTING READY FOR FALL.

TOWN ATTORNEY’S REPORT

TOWN ATTORNEY ROBINSON NOTED THAT HE REALLY HAD NOTHING TO REPORT.

ALLIANCE MEMBERSHIP

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN SUPERVISOR IS AUTHORIZED TO EXECUTE AT HIS DISCRETION THE 20/21 MEMBERSHIP AGREEMENT WITH THE CHAUTAUQUA LAKE ALLIANCE. THE ANNUAL MEMBERSHIP FEE IS \$2,000.00.

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

MISCELLANEOUS

COUNCILMAN HAYES RECOGNIZED TOM GOODELL OF WARNER BAY FOR HIS FINANCIAL CONTRIBUTION, PHYSICAL LABOR AND SUPPORT DURING THE SUMMER TO HELP REDUCE THE FLOW OF SEDIMENT FROM THE CREEK IN WARNER BAY.

EXECUTIVE SESSION

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 6:58 PM.

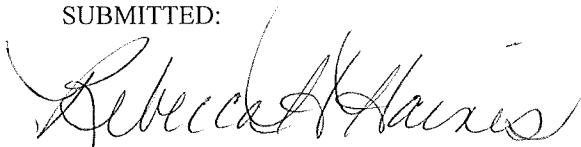
MR. HAYES – AYE	MR. JOHNSON – AYE
MR. CRESANTI – AYE	MR. MILLER – ABSENT - MOTION CARRIED
MR. SCHLEMMER – AYE	

REGULAR SESSION/ADJOURNMENT

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD RETURN TO REGULAR SESSION AND THEN ADJOURN AT 7:02 PM.

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

SUBMITTED:



REBECCA H. HAINES, RMC/MMC
MILLERY TOWN CLERK

/RHH