

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

SS

OCTOBER 8, 2020

MINUTES OF THE PUBLIC HEARINGS AND TOWN BOARD MEETING HELD THURSDAY, OCTOBER 8, 2020, AT THE BEMUS POINT FIRE DEPT. ALBURTUS AVENUE, BEMUS POINT, NY, COMMENCING AT 7:00 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR  
STEVEN K. HAYES, COUNCILMAN  
JOHN C. CRESANTI, SR., COUNCILMAN  
MARK R. SCHLEMMER, COUNCILMAN @ 7:15 PM

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 7:00 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED.

**7:00 PM – PUBLIC HEARING – DEWITTVILLE FIRE PROTECTION DISTRICT**

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 7:00 PM. NO ONE WAS PRESENT TO SPEAK FOR OR AGAINST THE MATTER AND SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING AT 7:01 PM. THE BOARD HAD PREVIOUSLY RECEIVED A WRITTEN REQUEST FOR MORE MONEY FROM THE FIRE DISTRICT BOARD.

**7:02 PM – PUBLIC HEARING – SINCLAIRVILLE FIRE PROTECTION DISTRICT**

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 7:02 PM. ELLERY CENTER FIRE COMMISSIONER, GREG HALLBERG, SPOKE ON BEHALF OF THE DISTRICT BECAUSE ELLERY CENTER FIRE DISTRICT PROTECTS PART OF THE DISTRICT WITH SINCLAIRVILLE. HE NOTED THAT THE FIRE DISTRICT HAS HAD AN UNBUDGETED INCREASE IN INSURANCE COSTS BECAUSE THE FIRE DISTRICTS ARE NOW REQUIRED TO CARRY INSURANCE FOR CANCER. HE SAID THE DISTRICT APPRECIATES ANY INCREASE THE TOWN CAN OFFER. SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING AT 7:05 PM.

**7:06 PM – PUBLIC HEARING – BEMUS POINT FIRE PROTECTION DISTRICT**

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING AT 7:06 PM. FIRE CHIEF, RANDY APPERSON, GAVE A LITTLE BACKGROUND OF THIS YEARS ACTIVITIES AND ASKED THE BOARD TO CONSIDER A 4% INCREASE FOR THE FIRE DEPARTMENT. SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING WHEN NO ONE ELSE WANTED TO SPEAK.

ACCEPTANCE – SEPTEMBER 10, 2020 BOARD MEETING MINUTES

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT THE MINUTES OF THE SEPTEMBER 10, 2020 BOARD MEETING BE ACCEPTED FOR FILING.

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

SEPTEMBER REPORTS

TOWN CLERK, REBECCA HAINES SUBMITTED HER SEPTEMBER REPORT IN THE AMOUNT OF \$10,390.00. THE CHECK TO THE TOWN TOTALED \$6,041.58.

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

PUBLIC

1. DJ TOSH, ARROWS CAPITAL GROUP – PRESENTED A PROJECT OVERVIEW WITH THE OBJECTIVE OF REPOSITIONING THE REAL ESTATE AT 2887 FLUVANNATOWNLINE ROAD FROM AN ELEMENTARY SCHOOL TO A RESIDENTIAL APARTMENT FACILITY. ADDITIONALLY, SEPARATE APPROVAL TO CREATE AN ADJOINING PARCEL FOR FURTHER USE WITHIN THE B-2 DISTRICT.

THERE WAS SOME BACK AND FORTH DISCUSSION AND THE TOWN BOARD AGREED THAT THE EDUCATIONAL COMPONENT ATTACHED TO THE SALE OF THIS PARTICULAR PROPERTY MUST BE RESOLVED BEFORE THEY ARE WILLING TO CONSIDER ANY PROPOSAL. TOWN ATTORNEY ROBINSON ASKED MR. TOSH TO HAVE HIS ATTORNEY CONTACT HIM SO THEY CAN DISCUSS THE MATTER. THE NEXT STEP IS TO HAVE MR. TOSH SUBMIT AN APPLICATION FOR A USE VARIANCE.

2. TODD ASHBAUGH, PRESIDENT OF BEMUS POINT MIDGET FOOTBALL, ASKE THE BOARD FOR PERMISSION TO HOLD THE PUNT/PASS/KICK COMPETION AT THE TOWN PARK.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT BEMUS POINT MIDGET FOOTBALL LEAGUE BE GIVEN PERMISSION TO USE THE TOWN PARK FOR THE UPCOMING PUNT/PASS/KICK COMPETITION.

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

IN A MATTER RELATED TO THE TOWN PARK, MR. ASHBAUGH ASKED THAT THE BASKETBALL HOOPS BE PUT UP AGAIN SO THAT THE KIDS CAN PLAY. HE NOTED THAT OTHER AREA PARKS HAVE THEIR HOOPS UP.

- 3. KATHY BENWARE, HEINEMAN ROAD – ASKED THAT THE TOWN PUR UP A SIGN STATING THE HOURS THE PARK IS OPEN. MR. HALLBERG NOTED THAT THERE IS AN EXISTING SIGN.

**BUDGET TRANSFERS/MODIFICATIONS**

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

Budget Transfers:

\$50 FROM A1990.4 – SPECIAL ITEMS – CONTINGENT TO A1920.4 – SPECIAL ITEMS – MUNICIPAL DUES;

\$3,265 FROM a1990.4 – SPECIAL ITEMS – CONTINGENT TO A9050.8 – EMPLOYEE BENEFITS – UNEMPLOYMENT;

\$4 FROM DB9040.8 – EMPLOYEE BENEFITS – WORKERS COMP. TO DB9045.8 – EMPLOYEE BENEFITS – LIFE INSURANCE;

Budget Modifications:

WE RRSOLVE TO INCREASE THE HIGHWAY FUND TOWN WIDE 2020 EXPENDITURE BUDGET BY \$16,935 WHICH REPRESNETS THE USE OF RESERVE MONIES AS STATED ON ABSTRACT #006 FOR THE PURCHASE FROM THE PUMP DOCTOR AND JAMESTOWN MACADAM. THIS WILL INCREASE ACCOUNT DA5130.4 AND DECREASE DA885 – RESERVE FOR HIGHWAY REPAIR.

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 466 THROUGH 522, WARRANT #10, IN THE AMOUNT OF \$118,292.93, BE PAID AS AUDITED.

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

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

**HIGHWAY SUPERINTENDENT’S REPORT**

MR. HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT OF BEEN BUSY WITH MISCELLANEOUS PROJECTS INCLUDING DIGGING THE DITCH AT THE TOWN PARK FOR THE NEW ELECTRIC LINE, WORKING ON LAKESIDE DRIVE, ETC. THE NEW TRUCK IS EXPECTED TO BE PICKED UP NEXT WEEK.

TOWN ATTORNEY'S REPORT

TOWN ATTORNEY ROBINSON NOTED THAT HE HAS PREPARED A RESOLUTION CONCERNING THE TEAMSTERS LOCAL UNION NO. 264 FOR THE TOWN BOARD TO ADOPT.

AT A MEETING OF THE TOWN BOARD OF THE TOWN OF ELLERY HELD ON THE 8<sup>TH</sup> DAY OF OCTOBER, 2020, AT THE BEMUS POINT FIRE DEPARTMENT, BEMUS POINT, NEW YORK, COUNCILMAN HAYES MADE THE FOLLOWING RESOLUTION:

WHEREAS, THE TOWN OF ELLERY IS A MUNICIPAL CORPORATION WITHIN THE STATE OF NEW YORK, AND

WHEREAS, THERE IS A DULY ELECTED TOWN OF ELLERY HIGHWAY SUPERINTENDENT AND APPOINTED DEPUTY HIGHWAY SUPERINTENDENT, AND

WHEREAS, THERE ARE A NUMBER OF TOWN EMPLOYEES EMPLOYED BY THE TOWN OF ELLERY HIGHWAY DEPARTMENT, AND

WHEREAS, THE MAJORITY OF THE TOWN OF ELLERY HIGHWAY DEPARTMENT EMPLOYEES, INCLUDING ALL FULL TIME AND PARTTIME MACHING EQUIPMENT OPERATORS HAVE REQUESTED THAT THE TOWN BOARD OF THE TOWN OF ELLERY RECOGNIZE AND APPROVE TEAMSTERS LOCAL UNION NO. 264 AS THE BARGAINING UNIT FOR SAID TOWN OF ELLERY HIGHWAY DEPARTMENT EMPLOYEES, AND

WHEREAS, THE TOWN BOARD OF THE TOWN OF ELLERY CONSENTS TO SUCH APPROVAL AND RECOGNITION, IT IS

RESOLVED THAT TEAMSTERS LOCAL UNION NO. 264 IS HEREBY RECOGNIZED AS THE BARGAINING UNIT FOR TERMSTERS LOCAL UNION FOR ALL TOWN OF ELLERY HIGHWAY DEPARTMENT EMPLOYEES INCLUDING ALL FULL TIME AND PART TIME MACHINE EQUIPMENT OPERATORS AND THE DEPUTY HIGHWAY SUPERINTENDENT.

SUCH MOTION WAS SECONDED BY COUNCILMAN CRESANTI AND FOLLOWING A DISCUSSION OF THE PROPOSAL THE SUPERVISOR INSTRUCTED THE TOWN CLERK TO CALL THE ROLL OF THE TOWN BOARD WHICH WAS DONE WITH THE FOLLOWING RESULTS:

COUNCILMAN SCHLEMMER – AYE  
COUNCILMAN CRESANTI – AYE  
COUNCILMAN HAYES – AYE  
COUNCILMAN MILLER – ABSENT  
SUPERVISOR JOHNSON – AYE

THE SUPERVISOR DECLARED THE FOLLOWING RESOLUTION WAS DULY CARRIED.

MISCELLANEOUS

SUPERVISOR JOHNSON SAID HE HAD TALKED WITH DEPUTY SUPERVISOR/COUNCILMAN, CRAIG MILLER WHO HAS BEEN UNABLE TO ATTEND THE BOARD MEETINGS AS OF LATE DUE TO HEALTH CONCERNS. SUPERVISOR JOHNSON SAID THAT MR. MILLER WHO HAS BEEN HIS DEPUTY

SUPERVISOR FOR MANY, MANY YEARS CAN NO LONGER PERFORM HIS DUTIES AND SO HE IS APPOINTING COUNCILMAN SCHLEMMER TO THE POSITION OF DEPUTY SUPERVISOR.

**SET DATE – 2021 PRELIMINARY BUDGET PUBLIC HEARING**

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE PUBLIC HEARING FOR THE 2021 PRELIMINARY BUDGET HEARING BE SCHEDULED FOR THURSDAY, NOVEMBER 5, 2020, AT 4:30 PM.

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

**ADJOURNMENT**

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYESI: THAT THE BOARD MEETING BE ADJOURNED AT 7:48 PM.

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

SUBMITTED:



REBECCA H. HAINES, RMC/MMC  
ELLERY TOWN CLERK

/RHH