

STATE OF NEW YORK )  
COUNTY OF CHAUTAUQUA ) SS FEBRUARY 11, 2021  
TOWN OF ELLERY )

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, FEBRUARY 11, 2021, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, AND VIA ZOOM, COMMENCING AT 7:30 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR  
STEVEN K. HAYES, COUNCILMAN  
JOHN C. CRESANTI, SR., COUNCILMAN  
MARK R. SCHLEMMER, COUNCILMAN  
LAWRENCE A. ANDERSON, 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 7:30 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED.

PUBLIC

1. DJ TOSH, ARROWS CAPITAL GROUP – WAS PRESENT TO ASK THE TOWN BOARD TO SET THE DATE FOR A PUBLIC HEARING AT THE NEXT BOARD MEETING SO THAT HE CAN PRESENT HIS PRESENTATION FOR A SPECIAL USE PERMIT FOR APARTMENTS AT THE OLD FLUBANNA ELEMENTARY SCHOOL.

ATTORNEY ROBINSON GAVE SOME BACKGROUND INFORMATION TO THE BOARD AND NOTED THAT THE TOWN ZONING BOARD OF APPEALS GRANTED A USE VARIANCE FOR THE PROJECT JANUARY 19, 2021. (MINUTES WERE PROVIDED TO THE BOARD).

TOWN BOARD MEMBERS ASKED MR. TOSH TO PROVIDE THE SEQR AND ALSO A SITE PLAN SHOWING ELEVATION, LIGHTING, LANDSCAPING AND A RENDERING OF THE BUILDING EXTERIOR.

AFTER QUITE A BIT OF BACK AND FORTH DISCUSSION BETWEEN THE BOARD AND MR. TOSH, A MOTION WAS MADE BY COUNCILMAN HAYES, SECONDED BY MR. CRESANTI: THAT A PUBLIC HEARING TO CONSIDER THE SPECIAL USE PERMIT APPLICATION OF ARROWS CAPITAL GROUP, BE SET FOR THURSDAY, MARCH 11, 2021, AT THE TOWN HALL, COMMENCING AT 7:45 PM.

MR. ANDERSON – AYE                      MR. SCHLEMMER – AYE  
MR. HAYES – AYE                        MR. JOHNSON – AYE  
MR. CRESANTI – AYE

- 2. BETHANY SEASTRUM, SOUTHER TIER STORM SOCCER – ASKED IF THE TOWN IS GOING TO OPEN THE TOWN PARK THIS SPRING.

SUPERVISOR JOHNSON SAID THE BOARD WILL BE DISCUSSING THIS AND THE DECISION WILL BE DECIDED AT THE MARCH 11<sup>TH</sup> TOWN BOARD MEETING.

ACCEPTANCE – JANUARY BOARD MEETING MINUTES

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE MINUTES OF THE JANUARY 7, 2021 ORGANIZATIONAL MEETING AND THE JANUARY 14, 2021 BOARD MEETINGS BE ACCEPTED FOR FILING.

MR. ANDERSON – AYE	MR. SCHLEMMER – AYE
MR. HAYES – AYE	MR. JOHNSON – AYE
MR. CRESANTI – AYE	

JANAURY REPORTS

TOWN CLERK HAINES SUBMITTED HER JANUARY REPORT IN THE AMOUNT OF \$1,884.00. THE CHECK TO THE SUPERVISOR TOTALED \$1,820.00. ALSO SUBMITTED BY TOWN CLERK HAINES WAS THE 2021 TAX COLLECTION REPORT TO DATE OF \$6,150,310.26 COLLECTED. MS. HAINES NOTED THAT IT HAS BEEN THE BEST COLLECTION IN MANY YEARS.

THE TOWN BOARD REVIEWED/DISCUSSED THE JANUARY REPORTS SUBMITTED BY THE ZONING OFFICER AND CODE ENFORCEMENT.

THERE WAS DISCUSSION ABOUT UPDATING SOLAR FARM REGULATIONS. TOWN ATTORNEY ROBINSON SUGGESTED THAT THE TOWN BOARD CONSIDER A MORATORIUM ON SOLAR FARMS UNTIL THE TOWN PLANNING BOARD HAS A CHANCE TO REIEW/REVISE THE SOLAR FARM REGULATIONS.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN HAYES: THAT THE TOWN HOLD A PUBLIC HEARING ON THURSDAY, MARCH 11, 2021, TO CONSIDER ADOPTING A MORATORIUM ON SOLAR FARMS WHILE THE PLANNING BOARD REVIEWS/REVISES THE SOLAR FARM REGULATIONS.

MR. ANDERSON – AYE	MR. SCHLEMMER – AYE
MR. HAYES – AYE	MR. JOHNSON – AYE
MR. CRESANTI – AYE	

THE BOARD ALSO RECEIVED THE JANUARY REPORTS SUBMITTED BY THE ASSESSOR, THE TOWN JUSTICES AND TOWN SUPERVISOR.

**CORRESPONDENCE & MISCELLANEOUS**

SUPERVISOR JOHNSON READ THE LETTER FROM THE LAWSON CENTER THANKING THE TOWN FOR THE CONTRIBUTION DURING 2020. SUPERVISOR JOHNSON ALSO NOTED THAT HE HAS TALKED WITH RUDY MUELLER WHO IS NOW PRESIDENT OF THE CHAUTAUQUA LAKE ASSOCIATION. DR. MUELLER SAID THAT THERE IS A PLAN TO PREFORM REMEDIATION WORK IN THE CREEKS SURROUNDING CHAUTAUQUA LAKE AND THAT BEMUS CREEK IS SECOND ON THE LIST. TERRY TOY OF THE CHAUTAUQUA LAKE VESSELS BOARD REPRESENTING THE FERRY HAS ASKED THE TOWN TO ERECT/PAY FOR 2 SIGNS FOR THE CELEBRATION/RECOGNITION OF THE FERRY THIS SUMMER. COUNCILMAN ANDERSON SAID HE WOULD LOOK INTO THE MATTER.

SUPERVISOR JOHNSON NOTED THAT HE AND COUNCILMAN CRESANTI WILL MEET TO AUDIT THE 2020 TOWN COURT RECORDS ON TUESDAY, FEBRUARY 16<sup>TH</sup>, AT 1 PM.

SUPERVISOR JOHNSON ALSO NOTED THAT HE IS APPOINTING THE FOLLOWING AS MEMBERS TO THE CORRESPONDING COMMITTEES: HIGHWAY – COUNCILMAN ANDERSON, CEMETERY – COUNCILMAN CRESANTI; AUDIT – SUPERVISOR JOHNSON AND COUNCILMAN CRESANTI; AND TOWN PARK – COUNCILMAN ANDERSON.

**VOUCHERS**

COUNCILMAN CRESANTI SAID HE NOTICED THAT THE TOWN IS STILL PAYING FOR THE UNIFORMS FOR THE HIGHWAY WORKERS AND SAID HE THOUGHT WE WEREN'T GOING TO CONTINUE DOING SO. TOWN ATTORNEY ROBINSON SAID HE HAS WRITTEN TO THE COMPANY AND BUT THERE HASN'T BEEN A DEFINITE DECISION MADE AS YET. THERE WAS A LOT OF DISCUSSION AND IT WAS AGREED THAT THE TOWN WILL PAY FOR THE UNIFORMS UP TO MARCH 1<sup>ST</sup> AND TOWN ATTORNEY ROBINSON WILL WRITE A LETTER NOTIFYING THE COMPANY OF THIS DECISION AND TOWN HIGHWAY SUPERINTENDENT HALLBERG WILL NOTIFY THE UNIFORM COMPANY DELIVERY DRIVER OF THE DECISION AS WELL.

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT VOUCHER #'S 19 THROUGH 82, WARRANT #1, IN THE AMOUNT OF \$563,579.63 BE PAID AS AUDITED.

MR. ANDERSON – AYE                      MR. SCHLEMMER – AYE  
MR. HAYES – AYE                         MR. JOHNSON – AYE  
MR. CRESANTI – AYE

**HIGHWAY SUPERINTENDENT'S REPORT**

HIGHWAY SUPERINTENDENT HALLBERG NOTED HIS DEPARTMENT HAS BEEN DOING IT'S REGULAR WINTER WORK. HE SAID HE WILL CHECK WITH DAVE SPANN ABOUT THE BEMUS CREEK GRANT APPLICATION.

HE PRESENTED THE QUOTE FOR THE CEMETERY TRACTOR AS SUBMITTED BY LANDPRO. THE NEW JOHN DEERE X580 GARDEN IS \$5,629.00. THE TRADE-IN ON THE 2017 JOHN DEERE X570 GARDEN TRACTOR IS \$2,629.00. THE NET AFTER TRADE-IN IS \$3,000.00. THE COST IS THE SAME AS IT WAS IN 2020.

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE TOWN APPROVE THE QUOTE FROM LANDPRO FOR THE PURCHASE OF THE NEW JOHN DEERE GARDEN TRACTOR WITH THE TRADE-IN AT A NET COST TO THE TOWN OF \$3,000.00

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

MR. SCHLEMMER – AYE  
MR. JOHNSON – AYE

MR. HALLBERG ALSO NOTED THAT THE FUEL TANKS/PUMPS WERE RECENTLY INSPECTED. THERE ARE SOME NEW EPA REGULATIONS AND SOME NEW 30 DAY INSPECTION REPORTS TO BE COMPLETED AND HE WILL SCHEDULE THROUGH THE PUMP DOCTOR; THE TOWN IS GETTING IT'S BRINE FOR THE ROADS THROUGH EMPIRE ENERGY; THE NEW TRUCK IS WORKING GOOD AND THE LETTERING ON THE TRUCK WILL BE DONE SOON.

MR. HALLBERG NOTED IN CLOSING THAT HE WILL BE SENDING TOWN HIGHWAY EMPLOYEE, RANDY TRIM BACK TO WORK AT THE TOWN PARK WHEN/IF IT OPENS. HE SAID HE IS IN AGREEMENT WITH THIS AS LONG AS EVERYONE FOLLOWS THE GUIDELINES AS PREVIOUSLY AGREED BETWEEN THE TOWN BOARD AND HIMSELF.

IN CLOSING, MR. HALLBERG SAID THAT THE STATE HAD RELEASED ONLY 80 % OF THE CHIPS MONEY TO THE TOWNS SO FAR BUT IT HAS BEEN DETERMINED THAT THE TOWNS WILL BE RECEIVING ANOTHER 15 % SO THAT IS GOOD NEWS FOR THE TOWN.

#### ATTORNEY'S REPORT

TOWN ATTORNEY ROBINSON SAID HE WILL NEED A SHORT EXECUTIVE SESSION WITH THE TOWN BOARD CONCERNING THE DEC LAWSUIT.

MR. ROBINSON SAID THAT THE TENTATIVE DATE/TIME FOR THE FIRST MEETING WITH THE TEAMSTERS REPRESENTATIVE AND HIGHWAY EMPLOYEES IS FEBRUARY 25<sup>TH</sup> AT 2:00 PM.

#### MISCELLANEOUS

COUNCILMAN SCHLEMMER BRIEFLY UPDATED THE BOARD ABOUT LAKE ISSUES AND THE HERICIDE PERMITS.

JIM WEHRFRITZ ALSO UPDATED THE BOARD ON THE RECENT MEETING OF THE ALLIANCE LAKE MANAGEMENT COMMITTEE. HE ALSO NOTED THAT THE TOWN NEEDS TO CAREFULLY REVIEW AND DISCUSS THE LATEST CRITERIA PERTAINING TO THE CHAUTAUQUA LAKE DISTRICT SURVEY.

MR. WEHRFRITZ ALSO SAID HE IS WORKING ON REVISIONS OF THE SCORING USED FOR THE GRANT APPLICATIONS SUBMITTED TO THE ALLIANCE.

SUPERVISOR JOHNSON SAID HE HAD RECEIVED PAPERWORK CONCERNING AN ACCOUNT FOR FLINT OIL & GAS THAT HAD GONE DORMANT. HE IS SIGNING THE PAPERWORK TO BE SUBMITTED TO THE BANK TO BRING THE ACCOUNT BACK TO CURRENT STATUS.

EXECUTIVE SESSION

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 9:30 PM, TO DISCUSS CURRENT LITIGATION.

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

MR. SCHLEMMER – AYE  
MR. JOHNSON – AYE

THERE WAS NO INFORMATION PROVIDED TO THE TOWN CLERK PERTAINING TO THE RETURN TO REGULAR SESSION AND ADJOURNMENT.

SUBMITTED:



REBECCA H. HAINES, RMC/MMC  
ELLERY TOWN CLERK

/RHH