

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA) SS APRIL 15, 2021
TOWN OF ELLERY)

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, APRIL 15, 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.

MARCH 11, 2021 BOARD MEETING MINUTES

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE MINUTES OF THE MARCH 11, 2021 BOARD MEETING WERE PRESENTED FOR FILING.

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

MARCH REPORTS

TOWN CLERK HAINES SUBMITTED HER MARCH REPORTS IN THE AMOUNT OF \$6,981.00. THE CHECK TO THE SUPERVISOR TOTALED \$6,899.28. ALSO SUBMITTED BY TOWN CLERK HAINES WAS THE 2021 TAX COLLECTION REPORT TO DATE OF \$6,747,175.38 COLLECTED.

APPOINTMENT – DOG CONTROL OFFICER

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT FLOYD S. KENT, JR. BE APPOINTED AS DOG CONTROL OFFICER FOR THE TOWN OF ELLERY, EFFECTIVE IMMEDIATELY AT THE CURRENT 2021 SALARY.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE

REPORTS - CONTINUED

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

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

PUBLIC

1. NADINE MCGRAW ADDRESSED THE BOARD ON BEHALF OF THE GIRLS' SOFTBALL LEAGUE, INQUIRING IF THE RESTROOMS AT THE TOWN PARK WILL BE OPEN SO THAT THE LEAGUE WILL BE ABLE TO PRACTICE/PLAY THIS SEASON.

THERE WAS DISCUSSION WITH THE BOARD AND HIGHWAY SUPERINTENDENT HALLBERG AND IT WAS AGREED THAT THE CLEANING/SANITIZING OF THE RESTROOMS WILL BE POSSIBLE AND SHOULD MEET THE COVID-19 GUIDELINES ISSUED BY NEW YORK STATE. IT WAS ALSO NOTED THAT THE SOFTBALL LEAGUE WILL ALSO ABIDE BY NEW YORK STATE COVID-19 GUIDELINES.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN ANDERSON: THAT THE TOWN OF ELLERY DECLARES THE TOWN OF ELLERY PARK OPEN, SUBJECT TO THE PROVISIONS STATED, NAMELY:

THE TOWN COUNCIL WELCOMES THE USE OF ITS OURDOOR FACILITIES AND REMINDS THOSE UTILIZING THEM TO PLEASE BE RESPECTFUL OF OTHERS, PRACTICE SOCIAL DISTANCING FROM PEOPLE YOU DON'T LIVE WITH, AND WEAR A FACE COVERING WHEN UNABLE TO MAINTAIN SOCIAL DISTANCING FROM OTHERS.

- The Town of Ellery Park will be open to the public beginning April 16, 2021
- Restroom facilities will be open and sanitized twice a day
- Reservations are required for any gathering requiring use of park pavilions
- Event or group organizers may be asked to file a NY Forward Plan to ensure compliance with New York State COVID-19 guidance. Questions may be directed to the town hall.
- Playground equipment will be cleaned, but not sanitized, periodically. Visitors are reminded to follow CDC guidelines, including:

DO NOT Visit the park if you are sick with, tested positive for COVID-19, or were recently (within 14 days) exposed to COVID 19

WASH YOUR HAMDS often and don't share items with people you don't live with

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE

7:45 PM - PUBLIC HEARING – SPECIAL USE PERMIT – FLUVANNA SCHOOL

SUPERVISOR JOHNSON OPENED THE PUBLIC HEARING, ADJOURNED FROM 3/11/2021, AT 7:49 PM.

1. DJ TOSH, ARROWS CAPITAL GROUP – WAS PRESENT AND SPOKE ABOUT THE PROJECT TO REPURPOSE THE OLD FLUVANNA SCHOOL INTO LONG AND SHORT TERM APARTMENTS. THE EXTERIOR WOULD BASICALLY REMAIN THE SAME EXCEPT POSSIBLY SOME PAINTING WITH THE INTERIOR BEING RENOVATED INTO HIGH END APARTMENTS.

COUNCILMAN SCHLEMMER LED THE DISCUSSION WITH MR. TOSH ABOUT THE SITE PLAN DETAILS. IT WAS AGREED THAT THERE WILL BE AN 8 FOOT WOODEN FENCE AROUND THE DUMPSTER AND THAT THE 4 FOOT CHAIN LINK BORDER FENCE WOULD REMAIN. THE DUMPSTER WILL BE EASILY ACCESSIBLE TO THE GARBAGE TRUCK. THERE IS AMPLE PARKING WITH THE REQUIRED NUMBER OF HANDICAPPED SPACES PROVIDED. THE QUESTION OF WATER RUN OFF WAS DISCUSSED AND MR. TOSH SAID THE SAME RUN OFF SYSTEM WILL BE UTILIZED WHICH IS SET UP TO DIRECT THE WATER TO THE DITCH ON ROUTE 430. IT WAS ALSO NOTED THAT THE CODE ENFORCEMENT OFFICER WILL BE INVOLVED WITH THIS PART OF THE PROJECT. THERE WILL BE SOME LOW GROWTH PLANTS ADDED TO THE LANDSCAPING AND ANY LIGHTING WILL BE DOWN LIGHTING – SOME WITH GOOSE NECK FIXTURES. THERE IS A WELL FOR WATER AND IT WILL BE TESTED AND THE BUILDING IS CONNECTED TO THE CHAUTAUQUA COUNTY SOUTH AND CENTER SEWER SYSTEM.

AT THIS POINT, DAN TRUVER, FLUVANNA-TOWNLINER ROAD – ASKED ABOUT WATER WELL PROVISIONS AND MAKING SURE HE AS THE NEXT DOOR NEIGHBOR, DOESN'T LOSE HIS WATER OR HAVE THE QUALITY OF HIS WATER COMPROMISED. IT WAS SUGGESTED BY COUNCILMAN ANDERSON THAT MR. TRUVER HAVE HIS WATER TESTED BY THE COUNTY SO THAT HE HAS A BASELINE TEST JUST IN CASE THERE IS A PROBLEM WITH HIS WATER IN THE FUTURE.

THERE WAS SOME DISCUSSION ABOUT THE POSSIBILITY OF A HOLDING TANK BEING INSTALLED AND MR. TOSH SAID THE ENTIRE WATER SYSTEM WILL BE TESTED AND CAPACITY VERIFIED BY AN ENGINEER.

IT WAS ALSO NOTED, THAT ALL CONDITIONS MUST BE MET BEFORE CODE ENFORCEMENT OFFICER, ROBERT SAMUELSON CAN ISSUE AN OCCUPANCY PERMIT.

MR. TRUVER NOTED THAT HE HAS SOME CONCERNS ABOUT THE EXISTING EASEMENT BETWEEN THE 2 PROPERTIES AND TOWN ATTORNEY ROBINSON SUGGESTED TO MR. TRUVER THAT HE CONSULT WITH HIS ATTORNEY REGARDING THAT MATTER.

SUPERVISOR JOHNSON CLOSED THE PUBLIC HEARING AT 8:15 PM.

NEXT, THE BOARD REVIEWED THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART 2 – IMPACT ASSESSMENT. (THE ARROWS CAPITAL GROUP HAD PREVIOUSLY COMPLETED/SUBMITTED THE SHORT ENVIRONMENTAL ASSESSMENT FORM – PART- 1 PROJECT INFORMATION).

THE BOARD REVIEWED AND ANSWERED THE 11 QUESTIONS ON THE IMPACT ASSESSMENT FINDING THAT THERE WOULD BE NO, OR SMALL IMPACT THAT MAY OCCUR.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE TOWN BOARD HAS DETERMINED, BASED ON THE INFORMATION AND ANALYSIS ABOVE, (QUESTIONS ANSWERED) AND ANY SUPPORTING DOCUMENTATION THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

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

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN ANDERSON: THAT THE SPECIAL USE PERMIT FOR APARTMENTS AT THE ELLERY (FLUVANNA) SCHOOL AS PER THE APPLICATION OF ARROWS CAPITAL GROUP, BE APPROVED SUBJECT TO AND IN COMPLIANCE WITH ANY/ALL FEDERAL/STATE/LOCAL REGULATIONS.

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

VOUCHERS

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHER #'S 126 THROUGH 178, ABSTRACT # 4, IN THE AMOUNT OF \$91,133.61, BE PAID AS AUDITED.

COUNCILMAN SCHLEMMER ASKED THE BOARD IF THEY WERE IN AGREEMENT TO CONTINUE PAYING FOR THE UNIFORMS EVEN THOUGH THE EXPENSE WAS NOT INCLUDED IN THE 2021 BUDGET AND IT WAS AGREED THAT THE TOWN WILL CONTINUE PAYING DURING THE UNION NEGOTIATIONS.

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

HIGHWAY SUPERINTENDENT'S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT HIS DEPARTMENT HAS BEEN BUSY REPAIRING RUTS AND ROAD SIDES, ADDING DIRT AND FERTILIZING BALL FIELDS, MOWING IN THE PARK AND CEMETERY AND FINISHING THE NEW ROAD IN THE CEMETERY. BOB FREEBURG WILL RESUME WORKING AT THE PARK THE FIRST WEEK OF MAY.

ATTORNEY'S REPORT

TOWN ATTORNEY ROBINSON NOTED THAT HE HAS BEEN BUSY WITH UNION NEGOTIATIONS AND WOULD LIKE TO MEET WITH THE BOARD BEFORE ANY MORE MEETINGS WITH THE UNION REPRESENTATIVES. MR. ROBINSON ALSO NOTED THAT THE NYS DEPARTMENT OF LABOR HAS HAD MANY BREACHES RESULTING IN ERRONEOUS UNEMPLOYMENT CLAIMS BEING FILED AND TO DATE THE TOWN OF ELLERY HAS RECEIVED FIVE SUCH CLAIMS. HE HAS NOTIFIED THE DOL OF THE ERRONEOUS CLAIMS ON BEHALF OF THE EMPLOYEES.

MISCELLANEOUS

SUPERVISOR JOHNSON NOTED THAT HE IS IN THE PROCESS OF SETTING UP ONE CONCERT AT THE TOWN PARK. IT WILL BE HELD THE EVENING OF JULY 3RD AND WILL FEATURE THE KOKOMO BAND. THE CONCERT WILL BE 2-2 ½ HOURS IN LENGTH.

COUNCILMAN SCHLEMMER SAID THAT THERE WILL BE A JOINT SUMMER REC PROGRAM THIS JULY. LORI ANDERSON WHO HAS BEEN THE DIRECTOR FOR MANY YEARS IS RETIRING THIS YEAR BUT HAS RECOMMENDED JENNA CLAUSON AS HER REPLACEMENT.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT JENNA CLAUSON BE APPOINTED AS THE DIRECTOR OF THE JOINT SUMMER REC PROGRAM.

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

THERE IS GOING TO BE A BIG CELEBRATION FOR THE BEMUS POINT/STOW FERRY THIS SUMMER. TERRY TOY WILL BE CONTACTING SUPERVISOR JOHNSON ABOUT THE TOWN BUYING SOME SIGNS FOR THE CELEBRATION.

IT WAS NOTED THAT THERE ARE THREE OPENINGS FOR ALLIANCE BOARD MEMBERS COMING UP IN THE FUTURE.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT SUPERVISOR JOHNSON IS AUTHORIZED TO APPOINT COUNCILMAN CRESANTI AS THE NEXT TOWN REPRESENTATIVE TO SERVE ON THE ALLIANCE BOARD.

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

LAKE RELATED MATTERS

LAKE CONSULTANT, JIM WEHRFRITZ NOTED THAT THE TOWN OF ELLERY HAS BEEN GRANTED PERMITS FOR HERBICIDE TREATMENT OF 100 OF THE 127 ACRES OF CURLY LEAF PONDWEED REQUESTED AND 51 OF 237 ACRES OF EURASIAN WATER MILFOIL REQUESTED IN PERMIT APPLICATIONS SUBMITTED IN 2021.

THE PERMITS FOR THE EURASIAN WATER MILFOIL ARE FOR 15% ONLY BECAUSE ACCORDING TO THE DEC, THE SURVEYS DIDN'T SHOW ENOUGH MILFOIL. MR. WEHRFRITZ SAID THERE MAY BE A CHALLENGE.

AFTER DISCUSSION, A MOTION WAS MADE BY COUNCILMAN ANDERSON AND SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN BOARD PRE-AUTHORIZE SUPERVISOR JOHNSON TO SIGN THE 2021 CONTRACT WITH SOLITUDE FOR TREATMENT OF BOTH CURLY LEAF PONDWEED AND EURASIAN WATER MILFOIL.

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

THERE IS ALSO A LETTER TO THE COUNTY LEGISLATURE REGARDING THE CHAUTAUQUA LAKE PROTECTION AND REMEDIATION AGENCY (CLPRA) AND IT WAS DECIDED THAT SUPERVISOR JOHNSON IS AUTHORIZED TO SIGN AND SEND A LETTER TO PIERRE CHAGNON, CHAIRMAN, CHAUTAUQUA COUNTY LEGISLATURE REGARDING THE TOWNS POSITION ON THE CLPRA.

ALSO NOTED WAS THAT THE FOIL REQUEST FOR THE SURVEY DATA IS READY TO GO AND TOWN ATTORNEY ROBINSON WILL BE PREPARING/SENDING THE PROPER REQUEST.

PUBLIC EMPLOYER HEALTH EMERGENCY PLAN FOR THE TOWN OF ELLERY

COUNCILMAN HAYES SUBMITTED THE PUBLIC EMPLOYER HEALTH EMERGENCY PLAN FOR THE TOWN OF ELLERY. HE NOTED THAT THE PLAN CAN BE AMENDED GOING FORWARD IF NEED BE.

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN BOARD ADOPT THE PUBLIC EMPLOYER HEALTH EMERGENCY PLAN FOR THE TOWN OF ELLERY AS PREPARED AND SUBMITTED BY COUNCILMAN HAYES AND THAT SUPERVISOR JOHNSON FILE AND SUBMIT THE PLAN AS REQUIRED.

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

EXECUTIVE SESSION

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 9:14 PM, TO DISCUSS UNION NEGOTIATIONS.

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