

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA) SS JUNE 10, 2021
TOWN OF ELLERY)

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, JUNE 10, 2021, AT THE ELLERY TOWN PARK, PAVILION 2, HEINEMANN ROAD, GREENHURST NY COMMENCING AT 7:01 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 7:01 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED.

MAY 13, 2021 BOARD MEETING MINUTES

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE MINUTES OF THE MAY 13, 2021 BOARD MEETING WERE PRESENTED FOR FILING.

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

MAY REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER MAY REPORT IN THE AMOUNT OF \$6,208.00. THE CHECK TO THE TOWN TOTALED \$5,953.18. ALSO SUBMITTED WAS THE CERTIFICATE OF SATISFACTION, AS PER SECTION 950, RPTL; SECTION 35, TOWN LAW, INDICATING THAT TOWN CLERK, REBECCA HAINES, DID ON APRIL 22, 2021 MAKE FULL SATISFACTION OF THE TAX WARRANT ISSUED TO THE TOWN OF ELLERY, BY THE LEGISLATURE OF THE COUNTY OF CHAUTAUQUA DATED DECEMBER 31, 2020.

ALSO SUBMITTED WERE MAY REPORTS FROM THE ZONING OFFICER, CODE ENFORCEMENT OFFICER, ASSESSOR, TOWN JUSTICES AND SUPERVISOR.

APPOINTMENT – JAMES STEBER – BOARD OF APPEALS

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT JAMES STEBER OF BEMUS POINT BE APPOINTED TO FILL OUT THE REMAINDER OF BILL WINCHESTER’S TERM ON THE BOARD OF APPEALS.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE

PUBLIC

- 1. BOB JOHNSON, ROUTE 430 – QUESTIONED WHAT CAN BE DONE ABOUT THE BOAT THAT HAS BEEN LEFT ON SALLY LAWSON’S PROPERTY AT BELLEVIEW HEIGHTS.

TOWN ATTORNEY ROBINSON SAID THAT HE WILL TRY AND CONTACT SOMEONE FROM MS. LAWSON’S ESTATE ABOUT THE POSSIBILITY OF HAVING THE BOAT REMOVED.

- 2, KARL SPARN, MAPLE SPRINGS – ASKED IF THE TOWN HAS EVER ESTABLISHED AN AGRICULTURE SECURITY DISTRICT LIKE THE STATE OF PENNSYLVANIA HAS DONE.

IT WAS SUGGESTED THAT MR. SPARN LOOK INTO THE MATTER WITH CHAUTAUQUA COUNTY DEPARTMENT OF SOIL AND WATER. MR. SPARN AGREED TO DO THAT.

- 3. RANDY JACOBS, VIKINGS (ROUTE 430) – ASKED WHAT IS BEING DONE ABOUT THE “EYESORE” (PROPERTY OWNED BY PAT LUCARIELLO) ACROSS FROM THE ENTRANCE OF THE VIKINGS.

CODE ENFORCEMENT OFFICER SAMUELSON SAID THE TOWN HAS CONDEMNED THE PROPERTY AND IS WORKING TOWARD GETTING THE BUILDING TORN DOWN. IT IS VERY DIFFICULT TO GET THE SQUATTERS WHO ARE LIVING THERE REMOVED. IT IS AN ONGOING MATTER.

- 4. DAN TRUVER, FLUVANNA-TOWNLINER ROAD – ASKED IF THE SPECIAL USE PERMIT FOR THE OLD FLUVANNA SCHOOL HAD BEEN APPROVED AND WAS TOLD THAT IT WAS GRANTED AT THE MAY TOWN BOARD MEETING.
- 5. TIM LUTGEN, ROUTE 430 – STATED THAT HE NOW OWNS THE MOBILE HOME PARK ON ROUTE 430 AND IS IN THE PROCESS OF CLEANING IT UP. HE NOTED THAT THE BIGGEST PROBLEM HE HAD WAS EVICTING THE RENTERS EVEN THOUGH THEY WEREN’T PAYING THEIR RENT AND THE TRAILERS DIDN’T MEET CODE. HE AGREES WITH MR. JACOBS THAT THE CONDEMNED HOUSE SHOULD BE DEMOLISHED AS SOON AS POSSIBLE.

LEGISLATOR’S REPORT

COUNTY LEGISLATOR CHAGNON REPORTED THAT THE COUNTY ENDED THE 2020 FISCAL YEAR FAVORABLY WITH A SURPLUS; THE NEW DEMOCRAT ELECTION COMMISSIONER, LUZ TORRES HAS BEEN APPOINTED; THERE HAS BEEN A 20% INCREASE IN MORTGAGE TAX REVENUES AND SALES TAX IS SEEING AN INCREASE ALSO.

HIGHWAY SUPERINTENDENT’S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT HIS DEPARTMENT HAS BEEN BUSY WORKING ON ALL THE PROJECTS NORMALLY TAKING PLACE THIS TIME OF YEAR.

HE ASKED THE BOARD IF THEY WANTED TO PASS A RESOLUTION TO HAVE THE 3 WAY STOP SIGNS INSTALLED ON MAHANNA AND WALKER ROADS AND COUNCILMAN SCHLEMMER SAID THAT HE DIDN’T THINK IT WAS NECESSARY BECAUSE THE REQUEST WAS ONLY MADE BY ONE PERSON.

BUDGET TRANSFERS/MODIFICATIONS

MOTION BY COUNCILMAN SCHLEMER, SECOND BY COUNCILMAN ANDERSON: THAT THE FOLLOWING BUDGET MODIFICATION BE APPROVED:

WE RESOLVE TO INCREASE THE HIGHWAY FUND OURSIDE VILLAGE 2021 EXPENDITURE BUDGET BY \$167,404 DUE TO ADDITIONAL CHIPS MONIES AVAILABLE. THIS WILL INCREASE ACCOUNTS DB3501 – CHIPS SAFER ROAD PROGRAM AND DB5112.2 – IMPROVEMENTS – CAPITAL OUTLAY

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

MEMORANDUM OF UNDERSTANDING

AFTER BRIEF DISCUSSION, A MOTION WAS MADE BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN SCHLEMMER: THAT THE TOWN BOARD AUTHORIZES THE TOWN SUPERVISOR TO SIGN THE COUNTY MEMORANDUM OF UNDERSTANDING WITH THE RECOMMENDATION OF THE TOWN ATTORNEY THAT THE LITIGATION CLAUSE BE DELETED.

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

ATTORNEY’S REPORT

DEBBIE MOORE, CHENEY DRIVE ASKED FOR AN UPDATE ON THE 10 FOOT RIGHT-OF-WAY MATTER. MR. ROBINSON SAID THAT IN 1970, ANNE CHENEY DEEDED A 10 FOOT RIGHT-OF-WAY TO THE TOWN OF ELLERY TO BE USED FOR DRAINAGE. THE INTENT WAS FOR THE TOWN TO HAVE AN EASEMENT BUT IT WAS FILED AS A WARRANTY DEED THUS GIVING THE TOWN OWNERSHIP OF THE 10 FEET. THE TOWN DOES NOT NEED TO OWN THE 10 FEET, IT ONLY NEEDS TO HAVE AN EASEMENT FOR DRAINAGE AND MR. ROBINSON SAID HE RECOMMENDS THAT THE TOWN ABANDON OWNERSHIP AND JUST KEEP THE DRAINAGE EASEMENT.

THERE WAS DISCUSSION AND ANOTHER RESIDENT OF CHENEY DRIVE, JIM SWANSON ASKED WHAT THE RESIDENTS OF THE AREA SHOULD BE DOING TO SECURE OWNERSHIP OF THE PROPERTY THUS GIVING THEM 20 FEET TOTAL AND MR. ROBINSON SAID HE COULD NOT OFFER LEGAL ADVICE AND SUGGESTED THAT THE RESIDENTS OF CHENEY ALLOTMENT SHOULD CONSULT WITH AN ATTORNEY.

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT FOLLOWING THE RECOMMENDATION OF THE TOWN ATTORNEY, THE TOWN HEREBY AUTHORIZES THE TOWN SUPERVISOR TO FILE A CERTIFICATE OF ABANDONMENT FOR THE TOWN OWNED 10 FOOT RIGHT-OF-WAY AT THE CHENEY ALLOTMENT WITH THE CHAUTAUQUA COUNTY CLERK'S OFFICE.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE

IN ANOTHER MATTER, MR. ROBINSON SAID HE HAD TALKED WITH STEVE WRIGHT, THE ATTORNEY WHO REPRESENTS THE DEWITTVILLE FIRE DISTRICT ABOUT THE CURRENT SITUATION WHEREIN THE FIRE DISTRICT IS DECLINING TO SIGN THE 2021 CONTRACT BECAUSE IT'S NOT FOR THE AMOUNT OF MONEY THEY HAD ASKED. THERE WASN'T ANY RESOLUTION.

THE BOARD DISCUSSED THE MATTER. FIRST AND FOREMOST THE TOWN IS CONCERNED THAT THE RESIDENTS OF THE DISTRICT ARE BEING AFFORDED THE EMERGENCY AND FIRE RESCUE THAT THEY SHOULD HAVE. IT WAS NOTED THAT MAPLE SPRINGS FIRE DISTRICT ALWAYS RESPONDS TO DEWITTVILLE FIRE CALLS.

COUNCILMAN HAYES WAS ASKED IF HE WOULD BE WILLING TO TALK WITH SOMEONE FROM COUNTY EMERGENCY SERVICES ABOUT THE SITUATION AND MR. HAYES SAID HE WOULD.

IT WAS SUGGESTED THAT MAYBE MAPLE SPRINGS FIRE DISTRICT SHOULD TAKE OVER THE SMALL SECTION OF DEWITTVILLE FIRE PROTECTION DISTRICT WITHIN THE TOWN OF ELLERY.

LAKE RELATED MATTERS

LAKE CONSULTANT, JIM WEHRFRITZ, NOTED THAT THE APPLICATION OF HERBICIDES FOR THE EURASION WATER MILFOIL TOOK PLACE TODAY. THE AMOUNT OF ACREAGE TO BE TREATED WAS DRASTICALLY REDUCED BY NYSDEC AND ONLY 11 ACRES WERE TREATED IN THE TOWN OF ELLERY AND IT IS VERY DISAPPOINTING TO SAY THE LEAST. THE WAY THE DEC PERMITS RELATIVE TO THE SURVEYS MUST BE CHALLENGED/CHANGED ACCORDING TO MR. WEHRFRITZ.

THERE WAS ALSO SOME DISCUSSION ABOUT THE ALLIANCE BOARD MEMBER RECOMMENDATIONS AND VOTING AND MR. WEHRFRITZ SAID HE HAD SENT SOME SUGGESTIONS TO THE ALLIANCE THAT WOULD MAKE THE PROCESS MORE EQUITABLE.

MR. CHAGNON, BOARD CHAIR OF THE ALLIANCE NOTED THAT MR. WEHRFRITZ'S RECOMMENDATIONS HAVE ALREADY BEEN IMPLEMENTED.

COUNCILMAN HAYES GAVE A BRIEF UPDATE CONCERNING THE PROPOSED LAKE TAXING DISTRICT AND ONE OF THE RECOMMENDATIONS WAS THAT THE TOWNS/VILLAGES

SURROUNDING THE LAKE BE BETTER REPRESENTATED. MR. CHAGNON NOTED THAT THE BOARD MEMBERSHIP WILL INCREASE TO INCLUDE 2 ADDITIONAL MEMBERS EACH FROM THE TOWNS AND VILLAGES AROUND THE LAKE.

SET DATE, TIME, PLACE – JULY TOWN BOARD MEETING

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN CRESANTI: THAT THE JULY 8, 2021, TOWN BOARD MEETING BE HLED AT PAVILION 1, ELLERY TOWN PARK, HEINEMANN ROAD, GREENHURST, COMMENCING AT 7:00 PM.

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

VOUCHERS

MOTION BY COUNCILMAN HAYES, SECOND BY COUNCILMAN CRESANTI: THAT VOUCHER #'S 227 THROUGH 276, WARRANT # 6, IN THE AMOUNT OF \$221,107.66, BE PAID AS AUDITED.

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

AT THIS POINT, COUNCILMAN HAYES SAID THAT HE WANTED TO NOTE JUST HOW GREAT THE CEMETERY AND TOWN PARK HAVE BEEN LOOKING.

EXECUTIVE SESSION

MOTION BY COUNCILMAN SCHLEMMER, SECOND BY COUNCILMAN HAYES: THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:15 PM, TO DISCUSS UNION NEGOTIATIONS AND POSSIBLE LITIGATION.

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