

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA) SS OCTOBER 14, 2021
TOWN OF ELLERY)

MINUTES OF THE TOWN BOARD MEETING HELD THURSDAY, OCTOBER 14, 2021, AT THE ELLERY TOWN HALL, SUNNYSIDE AVENUE, BEMUS POINT, NY, COMMENCING AT 7:28 PM.

PRESENT: ARDEN E. JOHNSON, SUPERVISOR
LAWRENCE A. ANDERSON, COUNCILMAN
STEVEN K. HAYES, COUNCILMAN
JOHN C. CRESANTI, SR., COUNCILMAN
MARK R. SCHLEMMER, 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 7:28 PM. THE PLEDGE OF ALLEGIANCE WAS OBSERVED

WHITNEY FROM THE CHAUTAUQUA WATERSHED CONSERVANCY ADDRESSED THE BOARD AND PRESENTED A CHAUTAUQUA LAKE WATERSHED STORMWATER TOOLKIT BOOKLET FOR THE TOWN'S REFERENCE AND USE.

EAGLE SCOUT CANDIDATE, WILL SCHLEMMER, PRESENTED HIS WRITTEN FINAL PROGRESS REPORT FOR HIS PROJECT: CEMETERY TREE PLANTING. IN ADDITION TO THE REPORT, MR. SCHLEMMER PRESENTED A PLAQUE HONORING ALL THOSE WHO DONATED OR HELPED OUT WITH THE PROJECT AND ASKED THE TOWN TO HANG IT ON THE CEMETERY BUILDING. THE BOARD THANKED MR. SCHLEMMER FOR A PROJECT WELL DONE.

PUBLIC

1. CHERYL AND SONYA JOHNSON, ROUTE 430 – ADDRESSED THE BOARD ABOUT THE ONGOING ZONING VIOLATIONS OCCURING ON THE NEIGHBORING PROPERTY OWNED BY PATRICK LUCARIELLO. THE PROBLEMS ARE GETTING WORSE BY THE DAY ACCORDING TO THE JOHNSONS. THIS HAS BEEN ONGOING SINCE AUGUST OF 2018.

TOWN ATTORNEY ROBINSON EXPLAINED THAT MR. LUCARIELLO IS DUE IN TOWN COURT MONDAY OCTOBER 18TH. HE NOW HAS AN ATTORNEY AND THE COURT PROCESS CAN GO FORWARD. IF THERE IS NO RESOLUTION TO THE MATTER IN COURT, THE TOWN BOARD CAN ALSO SUMMON MR. LUCARIELLO TO A HEARING FOR FURTHER ACTION.

PUBLIC HEARINGS – FIRE PROTECTION DISTRICTS – 2022 BUDGET

7:45 PM – (7:51 PM) - DEWITTVILLE FIRE PROTECTION DISTRICT – THE PUBLIC HEARING WAS OPENED FOR COMMENT AT 7:51 PM. JOE CALIMIERI, ATTORNEY SPOKE ON BEHALF OF THE FIRE DEPARTMENT. HE NOTED THAT THE FIRE DEPARTMENT WASN'T HAPPY WITH THE AMOUNT OF MONEY THE TOWN APPROVED LAST YEAR AND THIS YEAR THE DEPARTMENT EXPECTS THE

AMOUNT OF \$6,209.00 IN ORDER TO SIGN THE 2022 CONTRACT AND PROVIDE FIRE AND EMERGENCY COVERAGE. AFTER SOME BACK AND FORTH DISCUSSION THE HEARING WAS CLOSED.

7:50 PM – (8:08 PM) - SINCLAIRVILLE FIRE PROTECTION DISTRICT – GREG HALLBERG, COMMISSIONER FOR ELLERY CENTER FIRE DISTRICT ADDRESSED THE BOARD. MR. HALLBERG SAID THAT ELLERY CENTER FIRE DISTRICT AND SINCLAIRVILLE HAD BEEN SPLITTING THE SINCLAIRVILLE FIRE PROTECTION DISTRICT MONIES FOR MANY YEARS BUT THAT HAS STOPPED IN THE LAST 2 YEARS. HE ASKED IF IT IS POSSIBLE TO GIVE ELLERY CENTER THE MONEY FOR THE PORTION OF THE DISTRICT LOCATED IN THE TOWN OR IF IT'S POSSIBLE TO CHANGE THE BOUNDARY SO THAT PART OF THE DISTRICT IS IN ELLERY CENTER'S DISTRICT.

IT WAS AGREED THAT THE MATTER NEEDS TO BE RESEARCHED.

7:55 PM - (8:15 PM) – BEMUS POINT FIRE PROTECTION DISTRICT – RANDY APPERSON, FIRE CHIEF, UPDATED THE BOARD ON THE DEPARTMENT'S ACTIVITIES OVER THE PAST YEAR. HE NOTED THAT THE DEPARTMENT PURCHASED A USED HEAVY RESCUE TRUCK FOR \$155,000. THE TOTAL COST TO THE DEPARTMENT WITH ALL REFURBISHING IS NOW \$200,000. MR. APPERSON SAID THAT THE DEPARTMENT IS REQUESTING NO INCREASE IN THE CONTRACT AMOUNT FROM 2021 BUT IS REQUESTING \$25,000 TOWARD THE FIRST PAYMENT ON THE TRUCK COMING DUE IN APRIL 2022.

SEPTEMBER 9, 2021 BOARD MEETING MINUTES

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

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE - MOTION CARRIED

PRESENTATION – TIM LUTGEN – PROPOSED BUSINESS LOCATION – ROUTE 430

TIM LUTGEN, OWNER/OPERATOR OF MAPLE SPRINGS TREE SERVICE – ADDRESSED THE BOARD AND PRESENTED A WRITTEN PROPOSAL FOR RE-LOCATING HIS CURRENT BUSINESS LOCATED ON LEWIS ROAD TO HIS PROPERTY AT 4892 ROUTE 430.

AFTER SOME DISCUSSION, A MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECONDED BY COUNCILMAN HAYES: THAT A PUBLIC HEARING FOR A BUSINESS USE PERMIT AND SIGN PERMIT FOR MAPLE SPRINGS TREE SERVICE BE SCHEDULED FOR DECEMBER 9, 2021, COMMENCING AT 7:45 PM.

SEPTEMBER REPORTS

TOWN CLERK, REBECCA HAINES, SUBMITTED HER SEPTEMBER REPORT IN THE AMOUNT OF \$8,802.00. THE CHECK TO THE TOWN TOTALED \$6,222.80.

THE TOWN BOARD ALSO RECEIVED THE SEPTEMBER REPORTS FROM THE ZONING OFFICER, CODE ENFORCEMENT OFFICER, TOWN JUSTICESASSESSOR AND SUPERVISOR. THE REPORTS WERE REVIEWED AND THERE WERE NO QUESTIONS.

BUDGET TRANSFERS/MODIFICATIONS

AFTER CLARIYING THE DISCREPANCY IN THE DEPUTY HIGHWAY SUPERINTENDENT’S SALARY WITH HIGHWAY SUPERINTENDENT HALLBERG, A MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECONDED BY COUNCILMAN CRESANTI: THAT THE FOLLOWING BUDGET TRANSFERS AND MODIFICATION BE APPROVED AS LISTED BELOW:

\$38 FROM A1990.4 – CONTINGENT TO A1110.4 – JUSTICES – CONTRACTUAL

\$36 FROM A1990.4 – CONTINGENT TO A1220.4 – SUPERVISOR – CONTRACTUAL

\$20 FROM A 1990.4 – CONTINGENT TO A3510.4 – ANIMAL CONTROL – CONTRACTUAL

\$11 FROM A1990.4 – CONTINGENT TO A5010.4 – SUPERINTENDENT OF HIGHWAYS – PERSONAL SERVICES – DEPUTY

\$2,484 FROM A1990.4 – CONTINGENT TO A7110.11 – PARKS – PERSONAL SERVICES – PART TIME

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE - MOTION CARRIED

VOUCHERS

THERE WAS ONE CHANGE TO VOUCHER #506 – MARLA OSTE – INCREASE THE AMOUNT OF \$317 TO \$500.

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN ANDERSON: THAT VOUCHERS #'S 454 THROUGH 510, WARRANT #10, IN THE AMOUNT OF \$58,561.19, BE PAID AS AUDITED.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE – MOTION CARRIED

LEGISLATOR’S REPORT

MR. CHAGNON REPORTED THAT THE COUNTY TENTATIVE BUDGET HAS BEEN COMPLETED AND THE LEGISLATURE IS WORKING TO REDUCE SOME OF THE PROPOSED AMOUNTS. HE ALSO ASKED FOR OPINIONS ON A PROPOSED HOLIDAY DEER HUNT – 12/26/21 – 1/1/2022. IT WAS THE CONSENSUS OF THOSE OFFERING OPINIONS THAT IT IS NOT NECESSARY TO HAVE THE HUNT AS IT WOULD INTERFER WITH THE SNOWMOBILING SEASON.

ATTORNEY’S REPORT

TOWN ATTORNEY ROBINSON DISTRIBUTED A COPY OF THE TOWN OF HARMONY LOCAL LAW ENACTING REGULATIONS FOR SOLAR ENERY SYSTEMS AND SUGGESTED THAT THE TOWN

BOARD MEMBERS REVIEW IT AND ANY SUGGESTIONS/REVISIONS CAN BE DISCUSSED AT UPCOMING BOARD MEETINGS BEFORE THE TOWN OF ELLERY CONSIDERS ADOPTING ITS OWN LOCAL LAW.

MR. ROBINSON ALSO NOTED THAT HE HAS A TELEPHONE CONFERENCE WITH A LABOR RELATION MEDIATOR ON OCTOBER 21ST, 11:00 AM. IT WAS DECIDED THAT SUPERVISOR JOHNSON AND COUNCILMAN CRESANTI WILL ALSO TAKE PART IN THE CONFERENCE CALL.

MR. ROBINSON CONCLUDED HIS REPORT BY NOTING THAT HE HAS BEEN TO TOWN COURT ON VARIOUS ZONING MATTERS, SPECIFICALLY MENTIONING THE HENDERSON MATTER (WARNER BAY) THAT HAS NOW BEEN SETTLED.

CHAUTAUQUA LAKE MATTERS

LAKE MANAGEMENT CONSULTANT, JIM WEHRFRITZ, NOTED THAT THE TOWN HAS RECEIVED A PROPOSAL FOR A WEEK MANAGEMENT PROGRAM. HE SAID THAT MORE DETAIL IS NEEDED AND SPECIFICALLY ASKED “WHAT’S THE OUTLINE OF THE PLAN?” MR. WEHRFRITZ ALSO NOTED THAT HE HAS BEEN INVOLVED WITH THE SCORING OF THE 2022 ALLIANCE PROJECT GRANTS AND HE DOES NOT SEE MUCH IMPROVEMENT IN THE SCORING METHODS USED. HE THEN BROUGHT UP THE QUESTION OF STEVE HAYES JOINING THE CLPRA AND THERE WAS LOTS OF DISCUSSION WITH NO DECISION BEING MADE. THERE WAS ALSO DISCUSSION ABOUT THE TIMING OF HERBICIDE APPLICATION IN ORDER FOR IT TO BE EFFECTIVE.

AFTER BRIEF DISCUSSION, A MOTION WAS MADE BY COUNCILMAN SCHLEMMER, SECONDED BY COUNCILMAN CRESANTI: THAT THE TOWN’S CONSULTING CONTRACT WITH MR. WEHRFRITZ BE RENEWED FOR 12 MONTHS, WITH THE SAME TERMS AND CONDITIONS.

MR. ANDERSON – AYE MR. SCHLEMMER – AYE
MR. HAYES – AYE MR. JOHNSON – AYE - MOTION CARRIED
MR. CRESANTI – AYE

HIGHWAY SUPERINTENDENT’S REPORT

HIGHWAY SUPERINTENDENT HALLBERG REPORTED THAT THE HIGHWAY DEPARTMENT HAS BEEN BUSY FINISHING THE ROAD/DITCH WORK ON LAKESIDE DRIVE (BY SPENCER’S), NOVA CHIPPING WARNER BAY ROAD, MOWING DITCHING AND WINTERIZING THE IRRIGATION LINES AT THE TOWN PARK AND OTHER SEASONAL CHORES.

MR. HALLBERG NOTED THAT HE WOULD LIKE TO PURCHASE A SMALL SINGLE AXLE TRUCK IN LATE 2022 OR EARLY 2023. HE WILL NEED TO SPEC THE TRUCK AND SECURE PRICING IF THE BOARD AGREES TO THE PURCHASE. THE 1ST PAYMENT WOULD BE IN 2023. THE BOARD AGREED THAT MR. HALLBERG SHOULD SPEC THE TRUCK AND PREPARE FOR PURCHASING IN 2022.

SET DATE – PUBLIC HEARING – 2022 PRELIMINARY BUDGET

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE PUBLIC HEARING FOR THE 2022 PRELIMINARY BUDGET BE SET FOR 5:15 PM, THURSDAY, NOVEMBER 4TH.

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

RE-SCHEDULE NOVEMBER BOARD MEETING

MOTION BY COUNCILMAN ANDERSON, SECOND BY COUNCILMAN CRESANTI: THAT THE NOVEMBER TOWN BOARD MEETING BE RE-SCHEDULED FOR WEDNESDAY, NOVEMBER 10, AT 7:30 PM, DUE TO THE FACT THAT THE 11TH IS VETERAN'S DAY.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE – MOTION CARRIED

CHAUTAUQUA LAKE ASSOCIATION – DONATION REQUEST

THE BOARD REVIEWED THE DONATION REQUEST LETTER FROM THE CHAUTAUQUA LAKE ASSOCIATION AND IT WAS AGREED THAT THE TOWN WOULD NOT BE BUDGETING ANY MONEY IN SUPPORT OF THE ASSOCIATION.

TOWN HALL DRIVEWAY – SURVEY

COUNCILMAN CRESANTI CONFIRMED THAT HE HAS SCHEDULED THE TOWN HALL DRIVEWAY SURVEY WITH RODGERS LAND SURVEYING AND NOTED THAT HE WAS TOLD THAT THEY ARE VERY BUSY SO IT MIGHT BE AWHILE.

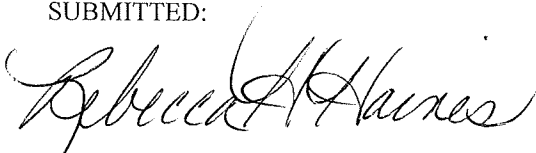
ADJOURNMENT

MOTION BY COUNCILMAN CRESANTI, SECOND BY COUNCILMAN HAYES: THAT THE TOWN BOARD MEETING BE ADJOURNED AT 9:36 PM.

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

MR. SCHLEMMER – AYE
MR. JOHNSON – AYE – MOTION CARRIED

SUBMITTED:



REBECCA H. HAINES, MMC
ELLERY TOWN CLERK

/RHH