

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

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JANUARY 13, 2026

TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop Meeting held Tuesday, January 13, 2026, at the Town Hall Sunnyside Avenue, Bemus Point, NY commencing at 6:00 PM.

PRESENT: Lawrence A. Anderson, Supervisor
John C. Cresanti Sr., Deputy Supervisor/Councilmember
Mark R. Schlemmer, Councilmember
Jeremy D. Crist, Councilmember

ABSENT: David W Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney
Greg Hallberg, Highway Superintendent
Jill Colburn, Deputy Town Clerk
Robert Samuelson, Code Enforcement Officer

Supervisor Anderson called the Workshop Meeting to order at 6:00 pm.

The Town Board members audited the vouchers for December, 2025 and January, 2026. There were no questions or comments regarding the vouchers. Board Members also looked over their board materials for the Regular Monthly Board Meeting.

Keri Belovarac presented the Town Board the request for bids proposal for the new Town Hall. Attorney Robinson looked over the proposal. Ms. Belovarac stated once the board is okay with the content in the bid proposal, it can go out for bid. Discussion followed regarding the time period for accepting bids, when to open the bids and accepting the lowest responsible bid. The bid proposal will be posted on the DOL website, the Town Clerk's sign board and the Post Journal.

Steve Hayes, a town resident, stated the new Town Hall is a great project that is needed. Mr. Hayes stated he feels there are two risk areas he would like to offer his expertise and assistance with. Execution risk and Referendum risk. Mr. Hayes stated he would be available to help the Town Board in assessing risk and writing risk mitigation plans.

Motion by Councilmember Cresanti, seconded by Councilmember Crist: That the Workshop Meeting be adjourned at 6:30 PM.

Mr. Schlemmer - Aye
Mr. Crist - Aye

Mr. Cresanti - Aye
Mr. Anderson - Aye - Motion Carried

REGULAR MONTHLY MEETING

Minutes of the January Town Board Meeting held Tuesday, January 13, 2026 at the Town Hall, Sunnyside Avenue, Bemus Point, NY commencing at 6:30 PM.

PRESENT: Lawrence A. Anderson, Supervisor
John C. Cresanti Sr., Deputy Supervisor/Councilmember
Mark R. Schlemmer, Councilmember
Jeremy D. Crist, Councilmember

ABSENT: David W Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney
Greg Hallberg, Highway Superintendent
Jill Colburn, Deputy Town Clerk
Robert Samuelson, Code Enforcement Officer

Supervisor Anderson called the meeting to order at 6:30 PM. The Pledge of Allegiance was observed.

DECEMBER 2025 TOWN BOARD MINUTES - RECEIVED

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That the Town Board acknowledges receipt of the December 9, 2025 Town Board meeting minutes as presented.

Mr. Schlemmer - Aye	Mr. Cresanti – Aye
Mr. Crist – Aye	Mr. Anderson – Aye – Motion Carried

6:30 PM - PUBLIC HEARING - LOCAL LAW #1 2026

Supervisor Anderson opened the Public Hearing at 6:30 PM. The purpose of the Public Hearing is to consider the advisability of adopting Local Law #1 for the year 2026 entitled “**a Local Law Establishing a Moratorium on Commercial Solar and Battery Energy Storage Systems in the Town of Ellery, County of Chautauqua and State of New York.**” This Local Law shall impose a Moratorium on applications, proceedings for applications, the review of applications for, or the issuance of approvals or permits for the construction of any Commercial Solar Energy and Battery Energy Storage System that is not a Residential Solar Energy Installation within the Town of Ellery.

The purpose of this Local Law is to provide the Town of Ellery with sufficient time in which to adopt reasonable regulations concerning Commercial Solar Farms within the Town of Ellery in order to ensure that the public’s health, safety and welfare is protected.

Attorney Robinson stated the Legal Notice and the Local Law were sent to the County Planning Department. The Town received a letter from the County Planning Department stating it’s a matter of local concern.

No one from the public wished to address the Town Board.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the Public Hearing for Local Law #1 for 2026 be closed at 6:39 PM.

Mr. Schlemmer - Aye	Mr. Cresanti – Aye
Mr. Crist – Aye	Mr. Anderson – Aye – Motion Carried

Motion by Councilmember Cresanti, second by Councilmember Crist: That the Town of Ellery be the Lead Agency for the purpose of completing Part 2 of the Short Environmental Assessment form.

Mr. Schlemmer - Aye	Mr. Cresanti – Aye
Mr. Crist – Aye	Mr. Anderson – Aye – Motion Carried

The Town of Ellery Town Board completed Part 2 of the Short Environmental Assessment form.

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That the Town of Ellery has determined that, based on the answers in Part 2 of the Short Environmental Assessment form, the proposed action will NOT result in any significant adverse environmental impacts.

Mr. Schlemmer - Aye	Mr. Cresanti – Aye
Mr. Crist – Aye	Mr. Anderson – Aye – Motion Carried

ADOPTION OF LOCAL LAW #1 OF 2026

Motion by Councilmember Schlemmer, second by Councilmember Crist: That Local Law #1 for the year 2026 entitled “a Local Law Establishing a six-month Moratorium on Commercial Solar and Battery Energy Storage Systems in the Town of Ellery, County of Chautauqua and State of New York.” be adopted.

Mr. Schlemmer - Aye	Mr. Cresanti – Aye
Mr. Crist – Aye	Mr. Anderson – Aye – Motion Carried

PUBLIC

1. Mark and Katharine Sexson addressed the Town Board requesting an update regarding the piece of town property they would like to purchase. Attorney Robinson stated the Town Board wanted additional funds over their \$450 offer. The Town Assessor assessed the property at \$700. Mr. Robinson stated if the \$700 price is agreeable, then the Town will hold a Public Hearing to move forward with the sale of the property. Mr. Robinson informed Mr. and Mrs. Sexson they will absorb all costs incurred with the property sale. Mr. and Mrs. Sexson stated they will think about the Town’s offer and get back to us.
2. Tammy Schack, representing the CLPOA, updated the Town Board on their recent activities. Their continuing focus is the opposition to the 2022 NYS Wetlands Law Amendment and Final Regulations along with lake management using a Centralized Lake Authority of elected officials. The next CLPOA meeting will be February 14th at the Lawson Center.

DECEMBER REPORTS

Town Clerk Jill Braund submitted December's report in the amount of \$ 2,632.00. The check to the Town totaled \$2,583.21. The Town Clerk's Annual Report for 2025 was presented to the Town Board. Town Clerk Braund stated tax collection started on January 8th and is going well. Town Clerk Braund reported the Town of Ellery's website was down for over a week but as of this morning it is back up.

Town Clerk Braund, on behalf of Court Clerk Crossley, requested an audit to be scheduled for the Town of Ellery Court books. Supervisor Anderson will schedule an audit for the 2025 Town of Ellery Court books with the Court Clerk.

The Town Board reviewed and discussed the reports from the Code Enforcement Officer, Town Justices', and the Annual Report from the Historian.

Supervisor Anderson reported DCO John Stow is resigning. Mr. Anderson informed Mr. Stow he needs to submit a letter to the Town with his effective date of resignation reflected. Until that letter is received, Mr. Stow is the Town's DCO. Discussion followed regarding hiring a new DCO. Mr. Robinson will contact the Town of Gerry's DCO, Jeffrey Johnson, to see if he is interested in being the DCO for the Town of Ellery.

INTERMUNICIPAL AGREEMENT - VILLAGE OF BEMUS POINT

Motion by Councilmember Schlemmer, second by Councilmember Crist: That Town Supervisor Anderson is authorized to sign the Intermunicipal Agreement for Code Enforcement duties between the Town of Ellery and the Village of Bemus Point. Town Attorney Robinson will prepare the document for signature for next month's board meeting. The terms remain the same as in the past couple of years.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

OFFICIAL UNDERTAKING

Town Clerk Braund asked the Town Board to approve the Official Undertaking for the Office of Town Supervisor/Larry Anderson and Town Justice/Larry Wallace.

Motion by Councilmember Crist, second by Councilmember Cresanti: That the Town Board of the Town of Ellery approve the document entitled "Town of Ellery Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance for the Office of Town Supervisor and Town Justice.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

TOWN SUPERVISOR FINANCIAL REPORT

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the Town Supervisor's Financial report for December 2025 be accepted as presented.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

CHAUTAUQUA LAKE & WATERSHED MANAGEMENT ALLIANCE APPOINTMENT

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That Supervisor Anderson be appointed to the Chautauqua Lake & Watershed Management Alliance Board of Directors for the year 2026.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

HIGHWAY SUPERINTENDENT REPORT

Superintendent Hallberg stated the Highway Department is busy snow plowing, fixing minor repairs, and taking care of trees that have come down.

Supervisor Hallberg led a discussion regarding the DOL/PESH inspection that was completed at the Town Hall and the Highway Building on December 3, 2025. The Notices of Violation and Order to Comply have been posted on the Town Clerk's sign board. The violations for the Town Hall and the Highway Building are being worked on. The deadline to have all violations in compliance is January 26, 2026.

SHARED SERVICES AGREEMENT

Motion by Councilmember Cresanti, second by Councilmember Crist: That the Town of Ellery continue the Shared Service Agreement with the other Towns, Villages and the County.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

APPROVAL – HIGHWAY LAW SECTION 284

Motion by Councilmember Schlemmer, seconded by Councilmember Crist: That, at the request of Highway Superintendent Hallberg, the Town Board approve and sign the Highway Law Section 284 - Agreement to Spend Town Highway Funds as required.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

SOLAR LAW FINAL DRAFT

Councilmember Schlemmer led a discussion regarding the final draft of the Ellery Solar Law. Councilmember Schlemmer discussed two parts of the final draft. First, is the reference to the Town's Comprehensive plan. It

was noted the Town does not have an official Comprehensive Plan. Attorney Robinson stated the Town's Zoning Law, Codes and Policies can be used. The second reference is referring to sensitive areas having a buffer to meet higher standards. Discussion followed regarding the footage distance within these sensitive areas such as; the lake, Long Point, the school, the Village, streams, and creeks, not being very much for a solar farm. Attorney Robinson stated the buffer can't be such that they are prohibited. The purpose is to regulate where Solar Farms go. It gives the Town the ability to say no if conditions in the law are not met. It was decided to schedule a Public Hearing for the Ellery Solar Law. At that time, the public will have the opportunity to voice their opinions.

PUBLIC HEARING - ELLERY SOLAR LAW

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That a Public Hearing be scheduled for February 10, 2026 at 6:30 PM for the Ellery Solar Law.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

TOWN ATTORNEY REPORT

Attorney Robinson led long discussion regarding the Town going out to bid for the new Town Hall building. Discussion followed involving going out to bid now or waiting until there is a better idea of what the financing will be. Councilmember Schlemmer stated, at this time, he doesn't think the Town is ready to start the bid process. Mr. Robinson stated bidders will want to know when to start construction and what the financing will be. Attorney Robinson stated the Town is not ready until there is a good idea of financing and financing may require a referendum. Councilmember Crist agreed with Councilmember Schlemmer. Mr. Robinson, again, recommended contacting Municipal Solutions or another lender for advisement and guidance. He indicated the Town might benefit by having a discussion with them. Site selection was discussed. Mr. Hayes stated site selection may need to be decided on before going out to bid. Councilmember Schlemmer agreed. Town resident Bob Johnson stated the people he has spoken to think the new Town Hall building should be centrally located, for example the lands by the Methodist Church. Further discussion involved proceeding with organizing a Building/Capital Projects Committee and utilizing Steve Hayes expertise. Mr. Hayes stated one of the tasks the committee should develop is site selection criteria. Supervisor Anderson stated he will update Keri Belovarac of this discussion.

LEGISLATOR'S REPORT

- We received a presentation by the Chautauqua County Charter and Code Review Commission of their recommendations and proposed amendments to the Chautauqua County Charter and Administrative Code.
- We were presented a commendation by the New York State Sheriff's Association for the accreditation of the County Jail.
- We presented commendations to outgoing legislators Tamara Dickey, Tom Carle, Phil Landy, and Terry Niebel.
- We authorized agreements with the Towns of Ellery and North Harmony for court security services in 2026.

- ### BUDGET TRANSFERS/MODIFICATIONS

VOUCHERS

Mr. Schlemmer - Aye
Mr. Crist - Aye

Mr. Cresanti - Aye
Mr. Anderson - Aye - Motion Carried

MISCELLANEOUS / POLICY COMMITTEE APPOINTMENTS

There was a brief discussion regarding appointing a Policy Committee. Town Clerk Braund and Deputy Town Clerk Colburn stated they are willing to help with the policy development process. Councilmember Schlemmer stated he will be on the committee. Supervisor Anderson will reach out to Councilmember Boughton to see if he is interested in being on the committee.

ADJOURNMENT

Motion by Councilmember Cresanti, seconded by Councilmember Schlemmer: That the Town Board Meeting be adjourned at 8:04 PM.

Mr. Schlemmer - Aye
Mr. Crist – Aye

Mr. Cresanti – Aye
Mr. Anderson – Aye – Motion Carried

Submitted by,



Jill J. Braund, RMC
Ellery Town Clerk
January 27, 2026