

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

SS

September 8, 2026

### **TOWN BOARD WORKSHOP**

Minutes of the Town Board Workshop meeting held Tuesday, September 8, 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 (Arrived at 6:18 PM)  
Mark R. Schlemmer, Councilmember  
Jeremy Crist, Councilmember  
David W. Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney  
Anne Golley, Assessor/Zoning Officer  
Greg Hallberg, Highway Superintendent  
Jill Colburn, Deputy Town Clerk

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

The Town Board members audited the vouchers for September 2026. There were no exceptions taken at this time. Town Board Members looked over their board materials for the Regular Monthly board meeting.

Motion by Councilmember Crist, second by Councilmember Boughton: that the Workshop meeting be adjourned at 6:30 PM.

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

### **REGULAR MONTHLY MEETING**

Minutes of the Town Board meeting held Tuesday, September 8, 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 Crist, Councilmember  
David W. Boughton, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney  
Anne Golley, Assessor/Zoning Officer  
Greg Hallberg, Highway Superintendent  
Jill Colburn, Deputy Town Clerk

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

**AUGUST 2026 TOWN BOARD MINUTES / RECEIVED**

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the Town Board acknowledges receipt of the August 11, 2026 Town Board meeting minutes as presented.

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

**LOCAL LAW #10 OF 2026 / ACTION TABLED**

Attorney Robinson stated he has received the County Planning Department’s Municipal Zoning Referral response for Local Law #10 for 2026, Solar Energy Systems. The County stated this local law is a matter of local concern, however; several comments were made for the Town Board to consider. The County response was emailed to Drew, at Wendel, for his advisement. Mr. Robinson indicated that Drew stated the local law is okay to adopt. Drew indicated he will draft a response regarding the County’s correspondence to the Town. Discussion followed. It was decided to table action on local Law #10 for the year 2026 until the response from Drew is received.

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That the Town Board table acting on Local Law #10 for the year 2026 until October’s meeting in order to review Drew’s draft response in regards to the County’s comments regarding the local law.

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

**PUBLIC**

No one from the public wished to speak.

**NEW BUILDING / RFQ RESPONSE / SWBR**

Steve Hayes stated the Building Committee has received and reviewed the RFQ response from SWBR out of Rochester. SWBR also has an office in Buffalo and a consultant in Cattaraugus County. Mr. Hayes reviewed and discussed Phase 1 of the project; which is to build a new building or renovate the existing town hall building. The breakdown cost estimate of Phase 1 was discussed. Mr. Hayes stated he feels the cost estimate for what is proposed is reasonable and customary. The building committee recommends hiring SWBR to lead the

Phase 1 efforts and allow Supervisor Anderson to execute a contract with SWBR.

Motion by Councilmember Crist, second by Councilmember Boughton: That Supervisor Anderson is authorized to enter into a contract with SWBR for Phase 1 of the New Building Project not to exceed \$62,000 and the funds are to come out of the Building Fund Account.

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist – Aye

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

### AUGUST REPORTS

Town Clerk Braund submitted the Town Clerk's report for August in the amount of \$7,907.00. The check to the Town totaled \$6,068.42. Town Clerk Braund discussed with the Board an article, in the Post Journal, regarding an IT audit performed by the State Comptroller's Office at the Village of Cassadaga. A brief discussion followed regarding State mandated policies that the Town of Ellery must have in place. Town Clerk Braund urged the Town Board to complete these policies. Town Clerk Braund stated the Budgeting process for 2027 has begun.

The Town Board reviewed and discussed the reports from the Zoning Officer, Code Enforcement Officer, Assessor, the Town Justices', Dog Control Officer and the Town Historian.

Town Assessor Golley will be attending the NYS Assessors Conference from September 27<sup>th</sup> through October 1, 2026.

The Town Board discussed Karen Johnson's fence being taken down. There was a brief discussion regarding what to do with the fines that have been assessed.

The Justices' Report asked for a resolution to authorize the Town of Ellery Town Court to apply for the 2026-27 JCAP grant cycle.

### JCAP RESOLUTION / RESOLUTION #4 2026

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That **Be it Resolved** the Board of the Town of Ellery authorizes the Ellery Town Court to apply for a JCAP grant in the 2026-27 grant cycle up to \$30,000.00.

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist – Aye

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

**TOWN SUPERVISOR FINANCIAL REPORT**

Motion by Councilmember Crist, second by Councilmember Boughton: That the Town Supervisor's Financial report for August, 2026 be accepted as presented.

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist - Aye

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

**HIGHWAY SUPERINTENDENT REPORT**

Greg Hallberg, Town Highway Superintendent, stated the department is busy oiling and paving roads in the Town of Ellery. The department finished a big pipe job on Fenner Road and they are helping other towns. The Department will oil, FiberMat and NovaChip some streets in the Town. All will be eligible for CHIPS reimbursement. There was a brief discussion regarding rock salt and the increase in price for 2027.

**ATTORNEY REPORT**

- Attorney Robinson stated Drew, from Wendel, has sent the Board a draft of the Wind Law. Mr. Robinson encouraged the Town Board to discuss the draft for the Wind Local Law at next month's meeting.

**BATTERY ENERGY STORAGE SYSTEMS PROPOSAL FOR ASSISTANCE / WENDEL**

- Attorney Robinson stated Drew, from Wendel, has submitted to the Town Board members, a proposal for assistance with drafting the Town's Battery Energy Storage System (BESS) Local Law. Mr. Robinson discussed the proposal's scope of services. The base scope tasks 1, 2 and 3 would be at a cost of \$3,500. Mr. Robinson stated he would like Drew's assistance with the Environmental Assistance Form, therefore, he would like the board to consider adding to the scope of tasks EAF Services for an additional \$500.

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That the Town of Ellery Supervisor is authorized to execute the proposal by Wendel not to exceed the estimate of \$4,000, for drafting the base scope tasks 1, 2 and 3 and adding the EAF Services for assistance with drafting the Town's BESS local law.

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist – Aye

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

- Attorney Robinson reported a while back, Jason Carnes was arrested for damaging a town road. The court case is pending in the Town of Kiantone Court. Mr. Robinson stated Town Clerk Braund has received a subpoena for minutes of four Town Board meetings. Clerk Braund provided Attorney Robinson the requested minutes along with the Notarized Records Certification. Mr. Robinson emailed the minutes and certification to Mr. Carnes's attorney.

LEGISLATOR REPORT

- We declared the month of September as Childhood Cancer Awareness Month.
- We adopted a Local Law requiring operators of motor vehicles to maintain a safe distance of 3 feet when overtaking non-motorists.
- We authorized a Fire Service loan to the Bemus Point Fire Department not to exceed \$111,000 at an interest rate of 5% for a term of 3 years to purchase a 2026 custom built 26' Stanley Aluminum boat with motors and trailer.
- A proposed resolution urging the County Executive to reduce the property tax levy by \$2 million in his tentative 2027 County budget failed, primarily because over \$7 million has been appropriated from the undesignated fund balance in the 2026 County budget, and the expectation is that even more will be required in 2027.

BUDGET TRANSFERS/MODIFICATIONS

Motion by Councilmember Crist, second by Councilmember Boughton: That the Town Board approve the following budget transfers:

**Budget Transfer: - General Fund Town Wide**

\$100 From A9040.4 – Employee Benefits – Worker's Comp  
\$100 To A1920.4 – Municipal Assoc. Dues

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist - Aye

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

VOUCHERS

Motion by Councilmember Cresanti, second by Councilmember Schlemmer: That Voucher #'s 382 through 433, Warrant/Abstract #9 in the amount of \$151,219.54 be paid as audited.

Mr. Boughton – Aye  
Mr. Cresanti - Aye  
Mr. Crist - Aye

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

WORKER'S COMPENSATION

Councilmember Schlemmer led a brief discussion regarding the Town's Worker's Compensation charges increasing for 2027. It was determined that the Town Highway Department had two claims in 2025 that drove the increase. Discussion followed.

CLP DONATION REVISITED

Supervisor Anderson revisited a discussion regarding a donation to the CLP. It was determined that the CLP still has not applied for available funding through the County. Discussion followed. It was decided not to make a donation to the CLP at this time.

SET DATE - 2027 TENTATIVE BUDGET PRESENTATION / WORKSHOP MEETING

Motion by Councilmember Crist, second by Councilmember Boughton: That the 2027 Tentative Budget Presentation and Workshop meeting with Department Heads be scheduled for Tuesday, September 22, 2026 at 6:00 PM, at the Town Hall.

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

SET DATE - 2027 BUDGET WORKSHOP MEETING

Motion by Councilmember Boughton, second by Councilmember Crist: That the 2027 Budget Workshop meeting with Laura Napoli from BLB be scheduled for Monday, October 19, 2026 at 6:00 PM, at the Town Hall.

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

SET DATE / TIMES – PUBLIC HEARINGS – FIRE PROTECTION DISTRICT BUDGETS

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the date and times be set for the 2027 Budget Public Hearings for the Fire Protection Districts. The following Public Hearings will be on Tuesday, October 13, 2026 at the Town Hall:

6:30 PM - Dewittville Fire Protection District  
6:35 PM - Sinclairville Fire Protection District  
6:40 PM - Bemus Point Fire Protection District

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

**SET DATE/TIME – PUBLIC HEARING – LOCAL LAW #11 FOR THE YEAR 2026– OVERRIDE  
THE TAX LEVY LIMIT**

Motion by Councilmember Boughton, second by Councilmember Cresanti: That a Public Hearing be set for Tuesday, October 13, 2026 at 6:45 PM to consider the adoption of Local Law #11 of 2026 to Override the Tax Levy Limit Established in General Municipal Law 3-C for the 2027 Budget.

Mr. Boughton – Aye  
Mr. Cresanti – Aye  
Mr. Crist – Aye

Mr. Schlemmer - Abstain  
Mr. Anderson – Aye – Motion Carried

**RESIGNATION**

Councilmember Schlemmer submitted a resignation letter to Town Clerk Braund. Clerk Braund has accepted his resignation effective September 15, 2026.

Motion by Councilmember Crist, second by Councilmember Boughton: That the Town Board acknowledges the resignation of Councilmember Schlemmer, with regret, effective September 15, 2026.

Mr. Boughton – Aye  
Mr. Cresanti – Aye  
Mr. Crist – Aye

Mr. Schlemmer - Abstain  
Mr. Anderson – Aye – Motion Carried

**APPOINTMENT**

Motion by Councilmember Crist, second by Councilmember Boughton: That Steve Hayes be appointed to fill the vacancy of Town Board Councilmember effective September 16, 2026.

Mr. Boughton – Aye  
Mr. Cresanti – Aye  
Mr. Crist – Aye

Mr. Schlemmer - Abstain  
Mr. Anderson – Aye – Motion Carried

**ADJOURNMENT**

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That the Town Board meeting be adjourned at 8:03 PM.

Mr. Boughton – Aye  
Mr. Cresanti – Aye  
Mr. Crist - Aye

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

Submitted by,



Jill J. Braund, RMC

Ellery Town Clerk

September 22, 2026