**STATE OF NEW YORK )**
**COUNTY OF CHAUTAUQUA ) SS October 13, 2026**
**TOWN OF ELLERY )**

## TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop meeting held Tuesday, October 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
Jeremy D. Crist, Councilmember
David W. Boughton, Councilmember
Steven K. Hayes, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil 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 October 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 Cresanti: That the Workshop meeting be adjourned at 6:30 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## REGULAR MONTHLY MEETING

Minutes of the town board meeting held Tuesday, October 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
Jeremy D. Crist, Councilmember
David W. Boughton, Councilmember
Steven K. Hayes Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil 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.

## SEPTEMBER 2026 TOWN BOARD MINUTES – RECEIVED

Motion by Councilmember Hayes, second by Councilmember Boughton: That the town board acknowledges receipt of the September 8, 2026 Town Board meeting minutes and the September 22, 2026 Budget Workshop minutes as presented.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist – Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## 6:30 PM – PUBLIC HEARING – DEWITTVILLE FIRE PROTECTION DISTRICT

Supervisor Anderson opened the Public Hearing at 6:30 PM. Larry Hallberg, of the Maple Springs Fire Department, represented the Dewittville Fire Protection District. The Town of Ellery will be contracting with the Maple Springs Fire Department to provide the Dewittville Fire Protection District with Fire and EMS services for the year 2027. Fire and EMS services for the Dewittville Fire Protection District were previously provided by the North Lake Fire District. Discussion followed. Mr. Hallberg stated the Maple Springs Fire Department is requesting the same contract amount of $10,400 that was in place for North Lake Fire District last year. Mr. Hallberg indicated the Maple Springs Fire Department feels this is adequate. There was a brief discussion regarding locating a map to determine the parcels within the Dewittville Fire Protection boundary lines. The town board thanked Mr. Hallberg for attending the Public Hearing.

Motion by Councilmember Crist, second by Councilmember Hayes: That Supervisor Anderson close the Public Hearing at 6:38 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## 6:38 PM – PUBLIC HEARING – SINCLAIRVILLE FIRE PROTECTION DISTRICT

Supervisor Anderson opened Public Hearing at 6:38 PM. Joe McKenna represented the Sinclairville Fire Department. Mr. McKenna stated the department provides BLS and fire services to the residents in the Eastern part of the Town of Ellery and the Landfill. Mr. McKenna stated the Sinclairville Fire Department is in the process of purchasing a new ambulance. The Sinclairville Fire Department is requesting a contract amount of $15,000. The town board thanked Mr. McKenna for attending the Public Hearing.

Motion by Councilmember Boughton, second by Councilmember Hayes: That Supervisor Anderson close the Public Hearing at 6:40 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## 6:40 PM – PUBLIC HEARING – BEMUS POINT FIRE PROTECTION DISTRICT

Supervisor Anderson opened the Public Hearing at 6:40 PM. Randy Edwards, Fire Chief, representing the Bemus Point Fire Department, stated the department is requesting a 5% increase ($6,300) from last year. Mr. Edwards stated the department took out a loan for the purchase of a new boat and all their expenses are going up. The department also purchased a new life pack for the ambulance. A brief discussion followed. The town board thanked Mr. Edwards for attending the Public Hearing.

Motion by Councilmember Crist, second by Councilmember Boughton: That Supervisor Anderson close the Public Hearing at 6:46 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist – Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

The town board publicly thanked all the fire departments for the work they do on behalf of the Town of Ellery.

## 6:46 PM – PUBLIC HEARING – LOCAL LAW #10 OF THE YEAR 2026

Supervisor Anderson opened the Public Hearing at 6:46 PM. It is the intent of the Local Law for the Town of Ellery to adopt a budget for the fiscal year commencing January 1, 2027 that required the real property tax levy in excess of the "tax levy limit" as defined by general municipal law Section 3-c, if necessary. Attorney Robinson stated the town can't exceed the tax levy limit established by the NYS Comptroller's Office unless a local law is in place, passed by 60% majority vote of the town board.

Town resident, Bob Johnson stated he didn't feel the town board should adopt the law.

A brief discussion followed explaining that the adoption of this local law is a safety measure in case a situation arises where going over the tax cap is needed. It does not mean the town will go over the tax cap.

Motion by Councilmember Hayes, second by Councilmember Cresanti: That Supervisor Anderson close the Public Hearing for Local Law #10 for 2026 at 6:50 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## LOCAL LAW #10 OF THE YEAR 2026 ADOPTION

Motion by Councilmember Cresanti, second by Councilmember Hayes: That the town board adopt Local Law #10 of 2026. Entitled "A Local Law Authorizing the Town Board of the Town of Ellery to Override the Property Tax Cap for the 2027 fiscal Year".

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## PUBLIC

1. Larry Hallberg, representing the VFW, approached the town board to ask the board to consider adopting a local law to permit the conduct of bingo in the Town of Ellery. The VFW wishes to have bingo once a week in accordance with the laws of the NYS Gaming Commission. Attorney Robinson outlined the process for the adopting the local law. The town board agreed to start the process.

2. Greg Buzzanco, from Triumphant Life Church, addressed the town board to request a Public Hearing for a Special Use Permit. The town board received a Special Use Permit Application and a proposed list of activities for the use of the property located at 4200 Beck Road. Discussion followed. Councilmembers Hayes and Crist stated the board needs more detailed information, outlining the specifics regarding the intentions for the use of the property. The town board members discussed examples of what they are looking for. The town board referenced the required information in the Town of Ellery's Zoning Law for a Special Use Permit. Councilmember Hayes assured Mr. Buzzanco that the process and the information required is the same for everyone who applies for a Special Use Permit. It was explained that the Special Use Permit is very specific as to what the use requires. It was decided to table the request for a Public Hearing for a Special Use Permit until the town board members receive the detailed information as requested. Mr. Buzzanco will provide Assessor Golley with the additional information.

## SEPTEMBER REPORTS

Town Clerk, Jill Braund submitted the Town Clerk's report in the amount of $11,146.00. The check to the town totaled $9,171.89. Town Clerk Braund reminded the board members of the Budget Workshop meeting with Laura from DoerenMayhew on Monday, October 19, 2026 at 6:00 PM.

The Town Board reviewed and discussed the monthly reports from the Code Enforcement Officer, the Justices', Dog control Officer and the Town Historian.

## TOWN SUPERVISOR FINANCIAL REPORT

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

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist – Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## HIGHWAY SUPERINTENDENT REPORT

Greg Hallberg, Town Highway Superintendent, stated the Highway Department has been busy paving and Nova Chipping. The County has hydroseeded the ditching and pipe jobs. The County also helped with painting some of the double yellow lines on the roads. The Pavilions, sidewalks and the concrete at the park have been pressure washed.

## TOWN ATTORNEY REPORT

- Attorney Robinson reported that Drew, from Wendel, recommended some changes/additions to the Town's Solar Law. This is because the courts have determined that Solar projects are public utilities. Attorney Robinson stated these changes/additions are a good idea. After some discussion, the town board agreed to make the recommended changes to the Solar Law and to schedule a Public Hearing to consider adopting the Solar Law for next month's meeting. Attorney Robinson will make these changes to the Law.

## SET DATE / PUBLIC HEARING / LOCAL LAW #11 / SOLAR ENERGY SYSTEMS

Motion by Councilmember Crist, second by Councilmember Boughton: That a Public Hearing be scheduled for November 10, 2026, at 6:30 PM to consider the advisability of adopting Local Law #11 of the year 2026, Solar Energy Systems.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

- Attorney Robinson led a brief discussion recommending the town board have another Zoom meeting with Drew, from Wendel, to discuss the proposed Wind Law. The town board agreed. Mr. Robinson will schedule the meeting.

- Attorney Robinson stated he has reviewed the proposed contract from SWBR for a feasibility study. Mr. Robinson indicated he has made notations for changes in the margins of the contract. The board reviewed and briefly discussed the contract. The town board agreed to have Attorney Robinson contact SWBR directly to make the needed changes subject to board approval.

- Attorney Robinson stated he would like to go into Executive Session at the end of the board meeting to discuss specific litigation: Town of Ellery VS SULU LLC and Town of Ellery VS Karen Johnson

- Mr. Robinson stated Councilmember Hayes sent him revisions to the Data Breach Notification Policy. Mr. Robinson stated the policy looks good to him.

## 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**

$4,728 From A9040.8 – Employee Benefits – Worker's Comp
$4,728 To A1910.4 – Unallocated Ins.

$1,855 From A9040.8 - Employee Benefits – Worker's Comp
$1,855 To A5020.2 – Engineering - Equipment

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## VOUCHERS

Motion by Councilmember Cresanti, second by Councilmember Hayes: That Voucher #'s 434 through 498, Warrant/Abstract #10 in the amount of $257,798.61 be paid as audited.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist – Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## NEW BUILDING COMMITTEE REPORT

Councilmember Hayes reported that the New Building Committee met with representatives from SWBR on September 25th. A project timeline and goals will be developed. Councilmember Hayes indicated SWBR representatives will be at the Town Hall on Tuesday, October 20th to conduct a building assessment.

## POLICIES

Councilmember Hayes stated he is working on revising/developing needed town policies. An inventory of existing policies has been conducted and prioritizing which policies need to be completed first has been assessed. Councilmember Hayes stated the board has been given a revised version of the Data Breach Notification Policy. The board members reviewed the policy and brief discussion followed. Attorney Robinson has reviewed the policy with no concerns.

## DATA BREACH NOTIFICATION POLICY / ADOPTION

Motion by Councilmember Hayes, second by Councilmember Crist: That the town board adopt the revised Data Breach Notification Policy as amended. Councilmember Hayes will email a clean policy to the Town Clerk's Office.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## LEWIS CEMETERY PATRIOT MARKER

Motion by Councilmember Crist, second by Councilmember Boughton: That the Town Board of the Town of Ellery gives the Chautauqua County Chapter of the Sons of the American Revolution (SAR) permission to install a Revolutionary War Patriot Marker, honoring Jacob Annis, John Annis, Joseph Boyd, William Marsh and William Schofield in the Lewis Cemetery. The Location to be worked out with the Chapter and the Town of Ellery Highway Superintendent.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## SET DATE – PUBLIC HEARING - 2027 PRELIMINARY BUDGET

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the Public Hearing for the 2027 Preliminary Budget be scheduled for Tuesday, October 27, 2026 at 6:00 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## EXECUTIVE SESSION

Motion by Councilmember Hayes, second by Councilmember Boughton: That per Attorney Robinson's request, the town board enter into Executive Session at 7:50 PM to discuss two specific litigation cases pending in Supreme Court: Town of Ellery VS SULU, LLC and Town of Ellery VS Karen Johnson and to discuss contractual issues with the Town Highway employee's union, Teamsters Local Union #264

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

## REGULAR SESSION AND ADJOURNMENT

Motion by Councilmember Hayes, second by Councilmember Boughton: That the town board return to Regular Session and the meeting be adjourned with no action taken in Executive Session at 9:00 PM.

Mr. Hayes – Aye
Mr. Boughton – Aye
Mr. Crist - Aye
Mr. Cresanti - Aye
Mr. Anderson – Aye – Motion Carried

Submitted by,
Jill J. Braund, RMC
Ellery Town Clerk
October 27, 2026