

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

SS

MAY 12, 2026

TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop Meeting held Tuesday, May 12, 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 (Arrived 6:05 PM)
David W. Boughton, Councilmember

ABSENT: Jeremy D. Crist, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney
Anne Golley, Assessor/Zoning Officer
Jill Colburn, Deputy Town Clerk
Greg Hallberg, Highway Superintendent
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 May 2026. There were no questions or comments regarding the vouchers. Board Members looked over their board materials for the Regular Monthly Board Meeting.

There was a brief discussion regarding the Town assisting Mr. Billgren with removing a tree that fell from his property into the creek. Attorney Robinson stated the Town could go onto his private property, with permission, as long as it is for a public benefit. After some discussion, it was determined that the Town helping to remove the tree from the creek would be a public benefit. Removing the tree would stop the tree entering into the lake, getting hung up on a bridge and potential flooding.

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

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

REGULAR MONTHLY MEETING

Minutes of the May Town Board Meeting held Tuesday, May 12, 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
David W. Boughton, Councilmember

ABSENT: Jeremy D. Crist, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

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

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

APRIL 2026 TOWN BOARD MINUTES - RECEIVED

Motion by Councilmember Boughton, seconded by Councilmember Schlemmer: That the Town Board acknowledges receipt of the April 14, 2026 Town Board meeting minutes as presented.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

PUBLIC

1. Cherrie Clark, Town Historian, reported to the Town Board that the Revolutionary War Patriot Soldier Marker for Red Bird Cemetery has been delivered. The dedication for the marker will be on June 14, 2026 at 2:00 PM. The Highway Department will install the sign. Everyone is invited to attend.
2. Jim Wehrfritz addressed the Town Board regarding the CLPOA update. Meeting #16 will be held at the Lawson Center on Saturday morning, May 23rd and Sunday evening, May 24th. Both meetings will have the same content. Mr. Wehrfritz asked for the Town Board's support in the amount of \$600 for meeting #16 expenses covering both dates and locations. Meeting #16 topics will include: Wetlands litigation, the supreme court decision, and lake management.
Mr. Wehrfritz reported that so far, there is nothing on the DEC's website to indicate the DEC's plans to appeal the Supreme Court Judge's, April 8, 2026, ruling which annulled the DEC's new Wetlands Regulations implemented beginning January 1, 2025. The new regulations are new "null and void." The deadline for the appeal was May 11, 2026. The 2022 Amendment to the Freshwater Wetlands Act remains in effect.

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That the Town Board authorizes an amount not to exceed \$300, **per meeting**, to be used to promote CLPOA "Wetlands" Public Meeting #16 for the dates of May 23rd and May 24th.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

3. Dawn Wozneak, of Beck Road, approached the Town Board to discuss her, and her neighbors, ongoing concerns regarding the potential plans for the development of a church camp on Beck Road. Discussion followed. Zoning Officer Golley stated she has not received the letter she requested outlining the church's plans and intentions. Ms. Golley stated a church camp is not an allowed use for that

property. If a church camp is what they are planning, a Use Variance will be needed. Attorney Robinson stated the church will have to meet all the requirements in order for the Use Variance to be granted.

4. Rick DelCalzo of Bridal Path Road approached the Town Board regarding purchasing a piece of property. Mr. DelCalzo showed the Town Board members a map of the property he would like to purchase. Mr. DelCalzo stated he maintains the property and it is used for neighborhood garbage cans to be placed on for easier garbage pickup. There was a brief discussion as to whether or not the Town owns the property. Neil Robinson, Town Attorney, outlined the process for purchasing Town property. Mr. Robinson recommended Mr. DelCalzo contact his attorney to do a search to see if it is town owned property.

APRIL REPORTS

Town Clerk Jill Braund submitted the Town Clerk's report for April in the amount of \$5,358.00. The check to the Town totaled \$4,662.73. Town Clerk Braund reported tax collection has ended and the unpaid taxes have been returned to the County. Town Clerk Braund stated there has been an amendment to the Agriculture and Markets Law. Now, on the dog license, there is a place for dog owners to make an optional contribution to an organization(s) which are contracted by the municipality to provide animal shelter services. The Town will pay these contributions to the contracted organization(s) annually.

VOLUNTARY CONTRIBUTIONS FOR ANIMAL SHELTER SERVICES

Motion by Councilmember Boughton, second by Councilmember Cresanti: That the Town of Ellery designate the Humane Society and Jeff Johnson Dog Kennels as organizations to receive voluntary contributions for animal shelter services to be paid on an annual basis.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

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

Zoning Officer Golley reported she met with Attorney Calimeri, Karen Johnson and Ms. Johnson's attorney regarding her fence. The result of the meeting was that, at Ms. Johnson's expense, another survey will be conducted. A meeting with Rogers Surveying is scheduled for May 18th.

There was a brief discussion regarding the SULU property. Code Enforcement Officer Samuelson has inspected the property from the road. Mr. Samuelson is not allowed to be on the property because of "No Trespassing" signs. Junk cars have been taken off the property but there are more in the back of the property. The next court date is June 1, 2026.

Assessor Anne Golley stated Grievance Day is May 28th at the Ellery Town Hall. The tentative assessment roll has been sent to the County. Ms. Golley reported all notices for properties that had an assessment change have been mailed.

TOWN SUPERVISOR FINANCIAL REPORT

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That the Town Supervisor's Financial Report for April 2026 be accepted as presented.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

HUMANE SOCIETY CONTRACT

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That Supervisor Anderson is authorized to execute the contract between the Humane Society and the Town of Ellery for 2026.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

HIGHWAY SUPERINTENDENT REPORT

- Superintendent Hallberg stated the Highway Department has been busy ditching, changing pipes, roads have been reprofiled, the Bemus Cemetery has been busy and Red Bird Cemetery has been mowed.
- Superintendent Hallberg stated Little League is moving along with the scoreboard. The steel pipes and concrete are in. The electrician will be at the park tomorrow to wire it.
- Mr. Hallberg met with Councilmember Boughton, at the town park, to determine placements for the new benches to honor former Councilmember, Craig Miller. The benches should be here next week. There was a brief discussion regarding memorial plaques and a dedication ceremony. Mr. Hallberg will discuss this with Nancy Miller.

TOWN ATTORNEY REPORT

Town Attorney Neil Robinson stated he has been to court for Zoning. Mr. Robinson stated he has the paperwork and a check for the sale of town property to the Barnett's. Supervisor Anderson will stop at Mr. Robinson's office to sign the papers and pick up the check.

BUDGET TRANSFERS / MODIFICATIONS

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the Town Board approve the following budget modification.

Highway Fund - Town Wide

Budget Modification: We resolve to increase the Highway Fund Town Wide 2026 expenditure budget by \$168,377 due to the use of reserve funds for the purchase of the Volvo Asphalt Roller. This will increase accounts DA5130.2 – Machinery - Equipment and Appropriated Fund Balance.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

VOUCHERS

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That Voucher #'s 172 through 223, Warrant number 5, in the amount of \$162,290.91 be paid as audited.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

CLA / CLP

Supervisor Anderson asked the Town Board to consider making donations to the CLA and the CLP. A brief discussion followed. Supervisor Anderson will ask each organization to attend a board meeting to provide a program update. It was also suggested to find out what other towns donate to these organizations.

SOLAR LAW / POTENTIAL AMENDMENTS

There was a brief update regarding Wendel's services in drafting the Wind Local Law. Attorney Robinson stated Drew, from Wendel, has a draft of the Wind Local Law in motion. A meeting with Wendel needs to be scheduled. A brief discussion followed regarding Wendel drafting a separate Battery Energy Storage System Local Law. Mr. Robinson stated he will contact Drew.

Councilmember Schlemmer led a discussion regarding possible revisions to the Town of Ellery's Final Draft of the Solar Law. Councilmember Schlemmer verified with Attorney Robinson that the Town's Zoning Law and Local Laws will act as our Comprehensive Plan and the Town Board may set the Fee Schedule after the adoption of the Solar Law.

Councilmember Schlemmer discussed the following possible revisions to the Solar Law:

- Add to the decommission plan, that components used are required to be recycled
- Solar energy systems proposed in the sensitive areas of the lake, schools, Long Point State Park, the Village of Bemus Point, wild life management areas etc. must meet the higher standards and analysis within 2,500 feet
- Solar energy systems shall be set back a minimum of 2,500 feet from any non-participating property line.
- Utility poles required for interconnection lines must be placed a minimum of 200 feet from an adjoining non-participating property line.
- Upon the granting of the Special Use Permit, the Building Permit shall be obtained within 6 months and the project shall be completed within 12 months

The Town board members agreed with all of these potential revisions to the Solar Law. Attorney Robinson stated he will run these changes by Drew at Wendel. Mr. Robinson cautioned the Board that the Town's local law can't be too restrictive so it prevents solar farm development.

PUBLIC HEARING/ MORATORIUM EXTENSION/ SOLAR FARMS

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That a Public Hearing be scheduled for June 9, 2026 at 6:30 PM to extend the Moratorium for Solar Farms

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

PUBLIC HEARING/ MORATORIUM EXTENSION / WIND FARMS

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That a Public Hearing be scheduled for June 9, 2026 at 6:35 PM to extend the Moratorium for Wind Farms

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

PUBLIC HEARING/ MORATORIUM EXTENSION/ BATTERY ENERGY STORAGE SYSTEMS

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That a Public Hearing be scheduled for June 9, 2026 at 6:40 PM to extend the Moratorium for Battery Energy Storage Systems

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

ADJOURNMENT

Motion by Councilmember Boughton, seconded by Councilmember Cresanti: That the Town Board meeting be adjourned at 7:52 PM.

Mr. Cresanti – Aye
Mr. Boughton - Aye

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

Submitted by,



Jill J. Braund, RMC

Ellery Town Clerk

May 28, 2026