

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

SS

JULY 14, 2026

TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop Meeting held Tuesday, July 14, 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
David W. Boughton, Councilmember
Jeremy D. Crist, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney
Anne Golley, Assessor/Zoning Officer

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

The Town Board members audited the vouchers for July 2026 There were no questions or comments regarding the vouchers. Board Members looked over their board materials for the Regular Monthly Board Meeting.

Motion by Councilmember Cresanti, seconded by Councilmember Crist: 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 July Town Board Meeting held Tuesday, July 14, 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
Jeremy D. Crist, Councilmember

MINUTES TAKEN BY: Jill J. Braund, Town Clerk

OTHERS PRESENT: Neil M. Robinson, Town Attorney
Anne Golley, Assessor/Zoning Officer

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

JUNE 2026 TOWN BOARD MINUTES - RECEIVED

Motion by Councilmember Cresanti, seconded by Councilmember Crist: That the Town Board acknowledges receipt of the June 9, 2026 Town Board meeting minutes as presented.

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

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

6:30 PM - PUBLIC HEARING – MAPLE SPRINGS - PROPERTY SALE

Supervisor Anderson opened the Public Hearing at 6:30 PM. The purpose of the Public Hearing is for the Town Board to consider the purchase offer by Valerie Benjamin to purchase a portion of the Town Right of Way for Chautauqua Avenue adjacent to real property owned by Valerie Benjamin at 4740 Whiteside Parkway in Maple Springs. Attorney Robinson discussed the property sale offer.

Ms. Benjamin wishes to purchase a section of Town Right of Way approximately 30 feet wide by 71 feet long for \$700. This is the assessed value of the property, given by Assessor Golley. Discussion followed. Mr. Robinson briefly outlined the process for purchasing Town owned property. Ms. Benjamin has agreed to assume all costs associated with the purchase of the property. Ms. Benjamin stated she has no plans to use the property. She wants to connect the parcels.

Highway Superintendent Hallberg, as reported by Supervisor Anderson, indicated the property has no public use or benefit to the Town. The Town Board members agreed.

John Michael stated he believes there is a natural gas line running through the property. There was no further public comment.

Motion by Councilmember Cresanti, second by Councilmember Boughton: That Supervisor Anderson close the Public Hearing at 6:35 PM.

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

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

Motion by Councilmember Cresanti, second by Councilmember Boughton: That the property Ms. Benjamin wishes to purchase, has no public use or benefit to the Town of Ellery.

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

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

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That the Town Board accepts the purchase offer of Valerie Benjamin for \$700.

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

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

Attorney Robinson stated there will be a legal notice placed in the paper for a Permissive Referendum period. Once that period of time is over, the process of the sale can begin.

PUBLIC

1. Jim and Cheryl Shephard, of 4997 Main Street, Bemus Point, approached the Town Board with an offer to purchase, what could be, Town owned property located adjacent to the property they own along the Bridle Path. This purchase offer does not include a small remaining triangular portion of the parcel. Mr. Shephard stated they would be interested in purchasing that as well if the Town is so inclined to sell it. Mr. & Ms. Shephard are offering purchase price of \$2,500 for their initial request. A brief discussion followed regarding whether or not the Town owns that piece of property because the Bridle Path is a private road.

Attorney Robinson stated he will check in Mayville to see if the Town owns the property. Mr. Robinson stated if the Abstract Company sends a bill for the research, it will be a Town Charge. Attorney Robinson outlined the process for purchasing Town owned property including the purchaser being responsible for absorbing all costs incurred with the sale.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That a Public Hearing be scheduled for August 11, 2026 at 6:30 PM for the potential sale of Town property located at 4997 Main Street, Bemus Point, NY. to James and Cheryl Shephard

Mr. Boughton– Aye

Mr. Schlemmer - Aye

Mr. Cresanti - Aye

Mr. Anderson – Aye – Motion Carried

Mr. Crist – Aye

2. BEMUS CREEK DREDGING GRANT APPLICATION

Dave McCoy, Chautauqua County Department of Planning Watershed Coordinator, addressed the Town Board regarding the County's pursuit for a State Local Waterfront Revitalization Program grant application to dredge a portion of Bemus Creek. The estimated grant is \$400,000. \$300,000 from the State, \$70,000 from the County and \$25,000-\$30,000 from the Town. Mr. McCoy is asking if the Town would be willing to support this effort with \$30,000 for in-kind work. More discussion followed. Mr. McCoy discussed the history of prior recommendations regarding dredging Bemus Creek and the 2026 Bemus Creek Sediment and Debris Management Plan. Mr. McCoy stated they will do as much as the can with the grant money. It will probably be enough to get through the delta and the outlet. Mr. McCoy indicated if the application is approved, the dredging will take place in 2028.

Mr. McCoy stated a requirement for the grant application process is for the Town Board to pass Consistency review for the LWRP proposed project. In addition, Mr. McCoy stated the Board needs to endorse a resolution to apply to the State for funds.

RESOLUTION #3 OF 2026 BEMUS CREEK DREDGING PROJECT

Resolved by Councilmember Schlemmer, second by Councilmember Boughton: That the Town of Ellery is in support of submitting the grant application to dredge Bemus Creek and using in-kind services for part of the grant match.

Mr. Boughton– Aye

Mr. Schlemmer - Aye

Mr. Cresanti - Aye

Mr. Anderson – Aye – Motion Carried

Mr. Crist – Aye

LWRP CONSISTENCY REVIEW

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That the Town of Ellery endorses the LWRP Consistency review and agrees that the project is consistent with the LWRP goals.

Mr. Boughton– Aye

Mr. Schlemmer - Aye

Mr. Cresanti - Aye

Mr. Anderson – Aye – Motion Carried

Mr. Crist – Aye

3. KNOTWEED ERADICATION – MOTION

John Michael, of Maple Springs, addressed the Town Board regarding eradicating the Japanese Knotweed growing between the Whiteside Creek bank and Rivulet Ave. in Maple Springs. As requested by the Town Board, Mr. Michael has been in contact with the DEC. The DEC stated because the Knotweed is not growing in the water, a DEC permit is not needed. Mr. Michael provided the Town Board members with a map showing the treatment locations along with letters from area residents in support of the application of the pesticide treatment. Mr. Hallberg indicated to Attorney Robinson that he is okay with treating the Knotweed. Mr. Michael reported Eco's Cooperative of Buffalo NY, a licensed pesticide business with aquatic and vegetative certification, will complete the pesticide application. Discussion followed.

Attorney Robinson stated the Town of Ellery needs to be named as an additional insured on the applicator company's insurance. The Town needs to have a copy of the Insurance Certificate prior to the start of the application process. A brief discussion followed.

Motion by Councilmember Crist, second by Councilmember Boughton: That Supervisor Anderson is authorized to sign the permission letter, submitted by John Michael, for the pesticide treatment for knotweed with the contingency that the Town is named as an additional insured on the applicator's insurance, the Town needs a copy of the insurance certificate before the pesticide application begins, and property owners have been given advance notice prior to the start date.

Mr. Boughton– Aye

Mr. Schlemmer - Aye

Mr. Cresanti - Aye

Mr. Anderson – Aye – Motion Carried

Mr. Crist – Aye

4. Jeff Molnar, Mayor of Bemus Point, thanked the Town Board for all their support and help with the Village.
5. Ron Caruso approached the Town Board requesting an update regarding his neighbor's fence. The fence has been moved but it is now nailed to trees and cement is in the ground. Zoning Officer Golley stated three more violations have been issued as a result of the fence being moved. Attorney Robinson stated Joe Calimeri is handling the case for the Town. Attorney Calimeri has asked Mr. Robinson to find out exactly what the Town Board is looking for. Discussion followed. The Town Board stated they would like the fence to be in compliance; off the property line, fully constructed, 6 feet high and complies with the original permit. Attorney Robinson stated he will convey this to Mr. Calimeri.
6. Pastor Greg Buzzanco, of Triumphant Life Church, addressed the Town Board to share the plans for the property the church purchased on Beck Road. Mr. Buzzanco stated the church's focus is youth ministry. They want to provide bible study to kids in a rural church setting. They would like to bring

in children from their other churches located in Erie and Jamestown for services and retreats. Mr. Buzzanco indicated their primary goal is to train leaders. They would like to, occasionally, have church services under a tent. Eventually, a permanent structure may be built on the property large enough to provide bible study for 40-70 kids. Mr. Buzzanco stated they are not planning to run a church camp. Discussion followed regarding the need for a Special Use Permit.

Zoning Officer Golley stated they needed to come before the Town Board to request a Special Use Permit because whether this is determined to be a church or school, a Special Use Permit will be needed. A Special Use Permit will also be needed because the property size is 60 acres, and they plan to utilize all 60 acres. Now, that they have come before the Town Board, the Special Use application will be completed.

7. John Ford, representing the CLA, thanked the Town Board for their support. Councilmember Schlemmer thanked Mr. Ford for the CLA's efforts in Bemus Bay. Everyone agreed the lake looks great. A discussion followed regarding the Town Board supporting both the CLA and the CLP. Mr. Ford stated if the Town of Ellery makes a donation of support, all 9 towns and villages will be supporting the organization this year. The Town Board stated they will commit to supporting both the CLA and the CLP. More discussion followed regarding these donations not being a budgeted item for this year, and the Town wanting to be fiscally responsible. The Town Board will take a look at the budget and decide on an amount at a later time.

JUNE REPORTS

Town Clerk, Jill Braund, submitted the Town Clerk's report for June in the amount of \$5,611.00. The check to the Town totaled \$5,449.78. Town Clerk Braund stated she has received her Certificate of Satisfaction from the Chautauqua County Department of Real Property Tax for the 2026 Collector's Warrant.

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

ASSESSOR'S ASSOCIATION SEMINAR

Motion by Councilmember Schlemmer, second by Councilmember Boughton: That Anne Golley, Town of Ellery Assessor, be able to attend the New York State Assessor's Association Seminar on Assessment Administration in Crotonville, NY, from September 27th through October 1st. The State will reimburse the Town for expenses.

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 June 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

- Highway Superintendent Hallberg was not present for tonight's meeting. Town Clerk Braund provided the Superintendent's reported on behalf of Mr. Hallberg. The benches, in memory of former Town Councilmember Craig Miller, have been installed in the town park. Mrs. Miller is interested in a dedication plaque for the benches. Supervisor Anderson stated Mr. Hallberg is getting the plaque made and the Highway department will install it.
- The Highway Department is busy mowing, patching and doing sign work etc.

TOWN ATTORNEY REPORT

- Attorney Robinson has received the revised, Final Draft of the Town of Ellery's Solar Energy System Local Law reflecting the Board's changes. Mr. Robinson went over the changes that were made. Two additional changes were agreed on. First, page 12, paragraph 4, subsection 1, number 2, will be changed to read "all State Parks" and second, the Local Law number will be changed to Local Law number 10 for 2026.
A brief discussion followed. The Town Board agreed to schedule a Public Hearing for Local Law #10 for 2026 regarding Solar Energy Systems.

Motion by Councilmember Crist, second by Councilmember Schlemmer: That a Public Hearing be set for Local Law #10 of 2026 entitled "A Local Law rescinding existing solar law and replacing with the following: A Local Law creating new regulations for solar energy systems." for August 11, 2026 at 6:35 PM.

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

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

- Attorney Robinson stated Drew Riley, from Wendel, is ready to have a zoom meeting with the Town Board regarding the Wind Local Law. The Town Board gave the meeting dates of July 28, 2026 at 6:00 PM or August 4, 2026 at 6:00 PM as possible meeting dates and times. Attorney Robinson will make Drew aware of these meeting dates and times. Mr. Robinson will let the Board know which date the meeting will be.

LEGISLATOR REPORT

- We were honored to present commendations to the County high school valedictorians and salutatorians, as well as the Frewsburg girls' basketball State Champions.
- We appointed Ann Brodell from Bemus Point to the South & Center Chautauqua Lake Sewer Districts board of directors.
- We tabled a proposed resolution to add \$2,840,000 to the 2026 Safety Net budget, seeking to find ways to offset the dramatically increasing costs.
- We cancelled \$234K in gas well property taxes, due to town assessors incorrectly calculating well production.
- We authorized the levy of participant's share of the County's workers' compensation plan costs, which in total increased 6%. Ellery 12% increase, North Harmony 7% increase, Bemus Point 17% increase.

- We approved moving the July Legislature meeting location to the Robert H. Jackson Center, which is celebrating its 25th anniversary, the 80th anniversary of the International Military Tribunal at Nuremberg, where Robert Jackson helped create the international criminal justice system, and marking the 85th anniversary of Jackson's appointment to the US Supreme Court.

BUDGET TRANSFERS / MODIFICATIONS

There were no budget transfers or modifications for June.

VOUCHERS

Motion by Councilmember Cresanti, second by Councilmember Boughton: That Voucher #'s 270 through 323 Warrant number 7, in the amount of \$389,171.50 be paid as audited. Councilmember Crist abstained due to a potential conflict of interest.

Mr. Boughton– Aye

Mr. Schlemmer - Aye

Mr. Cresanti - Aye

Mr. Anderson – Aye – Motion Carried

Mr. Crist – Abstained

RED BIRD CEMETERY

Councilmember Cresanti led a brief discussion regarding two Revolutionary War graves in Red Bird Cemetery that are unmarked and another one severely damaged. Cemetery Supervisor, Greg Hallberg, and the Town Historian, Cherie Clark will be made aware of the graves that need attention. It was also mentioned that the Veteran's Administration might be able to help.

REQUEST FOR QUALIFICATIONS (RFQ) AWARD

Councilmember Schlemmer updated the Town Board regarding the RFQ for the new Town Hall that was received by the submission deadline of June 26, 2026, from Catie Sosa, of SWBR Architects, out of Rochester, New York. Steve Hayes, New Town Hall Committee member, is reviewing the submitted RFQ.

Councilmember Schlemmer indicated that the committee will be meeting soon and he hopes to have another update at August's Board meeting.

WATER SURVEY

Councilmember Crist led a discussion regarding the results of the Water Survey conducted by Matt Zarbo of Square Engineering. Councilmember Crist discussed the results of the survey and the benefit of having public water brought into the Town of Ellery from a firefighting perspective including the use of fire hydrants. Councilmember Crist asked if the opportunity for public water to come into the Town of Ellery is still an option. Mr. Anderson stated it is not. The Town of Ellicott is not going to lay the larger pipe size. More discussion followed. Piere Chagnon suggested the Town of Ellery consider hiring their own engineer to study the feasibility of a water system in the Town of Ellery.

ADJOURNMENT

Motion by Councilmember Boughton, second by Councilmember Cresanti: That the Town Board meeting be adjourned at 8:37 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
July 28, 2026