

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

SS

February 10, 2026

TOWN BOARD WORKSHOP

Minutes of the Town Board Workshop Meeting held Tuesday, February 10, 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 at 6:05 PM)
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 February, 2026. There were no questions or comments regarding the vouchers. Board Members looked over their board materials for the Regular Monthly Board Meeting.

Steve Hayes addressed the Town Board to state that, going forward, he will be the Project Liaison for the Town Hall Building Project on a voluntary basis. Mr. Hayes recommended the Town Board make a motion to develop a Steering Committee consisting of two Ellery Town Board Councilmembers, a representative from the Village, a person from the community and Mr. Hayes. A brief discussion followed. It was decided Councilmember Schlemmer and Councilmember Crist will be on the Steering Committee, with Councilmember Cresanti serving as an alternate. More discussion followed.

Mr. Hayes also recommended the Town Board make a motion for the development of a RFQ for a Project Manager to help guide the Town through the municipal construction compliance steps and financing throughout the project. Mr. Hayes will bring a draft copy of a RFQ to the next board meeting for review. Supervisor Anderson stated he will not participate in this process because of a potential conflict of interest due to his own construction business.

Mr. Hayes stated in the meantime he will work on a needs assessment, the environmental assessment phase, and identifying site selection criteria. Discussion followed.

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

Mr. Crist - Aye
Mr. Cresanti – Aye

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

REGULAR MONTHLY MEETING

Minutes of the February Town Board Meeting held Tuesday, February 10, 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.

JANUARY 2026 TOWN BOARD MINUTES - RECEIVED

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That the Town Board acknowledges receipt of the January 6, and January 13, 2026 Town Board meeting minutes as presented.

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

6:30 PM - PUBLIC HEARING / LOCAL LAW #2 OF THE YEAR

Supervisor Anderson opened the Public Hearing at 6:30 PM. The purpose of this Public Hearing is to consider the advisability of adopting Local Law #2 of the year 2026 entitled “A Local Law Rescinding Existing Solar Law and Replacing with the Following: A Local Law Creating New Regulations For Solar Energy Systems”

The purpose of this Local Law shall be to provide substantive and procedural standards for the siting, development, operation and decommissioning, of all types of Solar Energy Systems in the Town of Ellery.

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. Crist – Aye

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

Attorney Robinson recommended the Town Board not adopt the Local Law tonight because the Town Clerk did not receive the Local Law until the afternoon of the Public Hearing. Therefore, the public has not had a chance to view/comment on the law. The Town Board, however, has had a draft of the Local Law for a couple months. Mr. Robinson stated the Local Law was prepared by the Town's Consultant. Mr. Robinson summarized the contents of the Law.

Supervisor Anderson opened the Public Hearing up for public comment.

Ms. Conroe commended the Town Board for their efforts with drafting this Law. Ms. Conroe encouraged the Town Board to take a serious look at Battery Energy Storage Systems as lithium batteries are very difficult for fire departments and water usage.

Attorney Robinson stated this local law does not address Battery Energy Storage Systems other than referencing that they have to be in compliance with NYS regulations. Attorney Robinson stated he has mentioned to the Board that the next Local Law the Town wants to look at would likely be a Local Law for Battery Energy Storage Systems.

Mr. Sparn stated he is against Wind and Solar.

Mr. McKenna, of the Sinclairville Fire Department, stated from a firefighting stand point, knowing the location of the Battery Energy Storage Systems and where the disconnects are in any particular system will be very important to saving life and property.

Ms. Engstrom, from Chautauqua Energy Watch, discussed and presented to the Town Board the information she has emailed to them regarding the primary concerns with Battery Energy Storage Systems including Local Laws from the Town of Sheridan.

Mr. Bemus asked if it was possible to have these companies be bonded for the removal of equipment at the end of its lifetime. Mr. Robinson stated there are provisions for this in the law. Discussion followed.

Ms. Fiedler stated she is glad to see the local law on Solar Energy and that the Town will be looking into a separate Battery Energy Storage Systems Local Law. Ms. Fiedler asked how the Local Law can be viewed.

Town Clerk Braund stated a draft of the Local Law is on the Town's website.

Motion by Councilmember Schlemmer, second by Councilmember Cresanti: That Supervisor Anderson close the Public Hearing at 6:58 PM.

Mr. Crist - Aye
Mr. Cresanti – Aye

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

At March's Board Meeting revisions to this Local Law will be discussed and a Public Hearing for said law will be scheduled for April's Board Meeting.

Councilmember Schlemmer asked if Ms. Golley has had any progress on obtaining the Wind Law. Attorney Robinson reported the Consultant understood the contract to state he was to give us ideas, not draft the law. Discussion followed. The Town Board agreed to have Wendel draft the Wind Law. Councilmember Schlemmer suggested Ms. Golley have Wendel give us a proposal on drafting the Battery Energy Storage Systems Local Law as well. The other Town Board members agreed this would be a good idea. Ms. Engstrom stated she will email the Board other Town's local laws regarding Battery Energy Storage Systems that may help with drafting the local law. Discussion followed regarding the possibility of extending the Wind Moratorium.

Ms. Engstrom mentioned to the Town Board that she has information regarding the negative human health impacts in relation to the sound from wind farms. She indicated the recommendation for wind farms is a 1.5-mile setback. Ms. Engstrom will email the Town Board information on wind farms that may help with drafting this local law.

PUBLIC

1. Jim Wehrfritz updated the Town Board regarding the CLPOA activities. "Wetlands" Public Meeting # 14 will be held on February 14, 2026, at the Lawson Center. Topics discussed will be; an update on the litigation against the DEC and the State, The Jefferson Project update, Lake management and the new Alliance. Mr. Wehrfritz thanked the Town of Ellery for their support
2. Mr. Barnett approached the Town Board with a purchase offer request to purchase Town property adjacent to the property he owns at 5608 Summit Ave. in Maple Springs for the purpose of building a garage. The property he would like to buy is located on Chautauqua Ave. Attorney Robinson outlined the process for purchasing Town owned property.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That a Public Hearing be scheduled for March 10, 2026 at 6:45 PM for the potential sale of a portion of property located on Chautauqua Ave.

Mr. Crist - Aye

Mr. Cresanti – Aye

Mr. Schlemmer _ Aye

Mr. Anderson – Aye – Motion Carried

There was a brief discussion regarding the land owned by the Maple Springs Improvement Committee located in between these two pieces of property. The Town has no jurisdiction over that property. Councilmember Schlemmer asked Mr. Barnett to bring a scaled-out map showing the strip of land owned by the Maple Springs Improvement Committee to the Public Hearing. Assessor Golley will be asked to provide an assessment for the property outlined in the purchase offer.

JANUARY REPORTS

Town Clerk Jill Braund, submitted the Town Clerk's report for January in the amount of \$1,029.00. The check to the Town totaled \$945.00. Town Clerk Braund reported the amount of property taxes collected through the penalty free period of tax collection is \$ 6,337,202.63. February 7th started the 1% penalty phase of collection. This will go through March 6th.

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

ADOPTION / UNIFORM FIRE & BUILDING CODES

Motion by Councilmember Crist, second by Councilmember Cresanti: That the Town of Ellery adopt the 2025 NYS Uniform Fire & Building Codes for use in the Town of Ellery.

Mr. Crist - Aye

Mr. Schlemmer _ Aye

Mr. Cresanti – Aye

Mr. Anderson – Aye – Motion Carried

DCO APPOINTMENT

Supervisor Anderson stated he would like to appoint Jeffrey Johnson as the Town of Ellery DCO. Mr. Johnson has 6 kennels available to house dogs and the ability to have 3 more if needed. The Town of Ellery has a 2026 Dog Kennel Agreement with Mr. Johnson.

Mr. Anderson stated he will contact John Stow, the Town's current DCO, to request his resignation letter effective February 9, 2006.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That Supervisor Anderson appoint Jeffrey Johnson as the Town of Ellery DCO to replace John Stow effective February 10, 2026.

Mr. Crist - Aye

Mr. Schlemmer _ 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 January 2026 be accepted as presented.

Mr. Crist - Aye

Mr. Schlemmer _ Aye

Mr. Cresanti – Aye

Mr. Anderson – Aye – Motion Carried

Deputy Town Clerk Colburn informed the Town Board that Bahgat Laurito Bahgat, the Town's accounting firm, was bought by Doeren Mayhew. The Town's services will remain the same. This allows BLB more access to resources.

HIGHWAY SUPERINTENDENT REPORT

- Highway Superintendent Hallberg stated the department is focusing on snow removal. Mr. Hallberg reported the County is going to haul a truck up to Buffalo for repairs. The other highway equipment is okay.
- Christy Winchester, from Little League, contacted Mr. Hallberg to discuss placing an electric scoreboard near the baseball fields. Mr. Hallberg stated he doesn't have a problem with it but the Town will install the posts. Little League will obtain the scoreboard. The electric will have to be run from

the box to the scoreboard. Ms. Winchester stated they would also like to have a movie night in the park during the baseball season. The movie time will be during the hours the park is closed. A brief discussion followed. The Town Board is agreeable to this request as long as a letter is provided to confirm there is insurance coverage for the event. Mr. Hallberg will let Ms. Winchester know.

- Superintendent Hallberg presented the Town Board with a \$168,337 Sourcewell Contract Quote for the roller we are purchasing with the Town of North Harmony. Each town is paying half of the cost. Our cost could be less depending on the trade-in or sale of our current roller. A brief discussion followed regarding financing the roller. The Town's cost of the roller will come out of the Equipment Reserve.

The roller will be housed at the Town of Ellery. Attorney Robinson will write up a Shared Services Agreement between the Town of Ellery and the Town of North Harmony for the roller.

Motion by Councilmember Cresanti, second by Councilmember Schlemmer: That Superintendent Hallberg purchase the roller contingent upon the Town of North Harmony signing a letter of commitment for 50% of the cost.

Mr. Crist - Aye

Mr. Schlemmer _ Aye

Mr. Cresanti – Aye

Mr. Anderson – Aye – Motion Carried

- Superintendent Hallberg presented the Town Board with a quote from Southern Tier Trailer Sales, Inc. for a Kubota utility cab tractor and a Kubota mower.

Motion by Councilmember Schlemmer, second by Councilmember Crist: That Superintendent Hallberg purchase the Kubota tractor and mower from Southern Tier Trailer Sales, Inc as quoted. Dated January 20, 2026.

Mr. Crist - Aye

Mr. Schlemmer _ Aye

Mr. Cresanti – Aye

Mr. Anderson – Aye – Motion Carried

TOWN ATTORNEY REPORT

Attorney Robinson informed the Town Board of the need to go into Executive Session for the purpose of discussing pending strategy and litigation regarding the Karen Johnson Supreme Court case.

Attorney Robinson presented the Town Board with surveys and legal descriptions, developed by surveyor Mike Masters, for the portions of the 6 purchases of land in Maple Springs. With Board approval, Mr. Robinson will tell Mr. Masters to prepare the documents. The Town Board approved what was presented to them.

LEGISLATOR REPORT

- We had an update presentation on the work of the Jefferson Project in Chautauqua Lake, presented by Dr. Allison Hyrcik.
- We reviewed a local law presenting the recommendations and proposed amendments to the Chautauqua County Charter from the Chautauqua County Charter and Code Review Commission. We adopted two small amendments to clarify the powers and duties of the

County Executive relative to other elected officials, and to clarify the process of the Legislature proposing goals and objectives to the County Executive in the preparation of the tentative budget. Because the local law was amended it has to lay on the table until the February meeting.

- We approved support for a Bemus Point Central School District application for a New York State Local Government Efficiency Implementation Grant to eliminate the sewage treatment plant at the Maple Grove High School and connect to the South & Center Chautauqua Lake Sewer Districts.
- We referred back to committee a resolution to amend the rules and regulations of the Chautauqua County Legislature regarding the 2nd privilege of the floor based upon comments and suggestions received at the meeting.
- We referred back to committee two resolutions titled *Affordability Act of 2026* and *Amend Senior Real Property Tax Exemption* that circumvented the committee review process

BUDGET TRANSFERS/MODIFICATIONS

Motion by Councilmember Schlemmer, seconded by Councilmember Cresanti: That the following Budget Transfers be approved for January 2026:

Budget Transfer: - Highway Fund Town Wide

\$2,000 From DA9060.8 – Employee Benefits – Hospital & Medical

\$2,000 To DA9065.8 – Employee Benefits – Hospital & Medical – Ins Buyout

Budget Transfer: - Highway Outside Village

\$2,000 From DB9060.8 – Employee Benefits – Hospital & Medical

\$2,000 To DB9065.8 – Employee Benefits – Hospital & Medical – Ins Buyout

Mr. Schlemmer - Aye

Mr. Cresanti – Aye

Mr. Crist – Aye

Mr. Anderson – Aye – Motion Carried

VOUCHERS

Motion by Councilmember Cresanti, seconded by Councilmember Schlemmer: That Voucher #'s 18 through 69, Warrant number 2, in the amount of \$756,960.20 be paid as audited.

Mr. Crist - Aye

Mr. Schlemmer _ Aye

Mr. Cresanti – Aye

Mr. Anderson – Aye – Motion Carried

STEERING COMMITTEE

Motion by Councilmember Crist, second by Councilmember Cresanti: That the Town of Ellery form a Steering Committee comprising of Town of Ellery Councilmembers Schlemmer and Cresanti, a representative from the Village, a person from the community and Steve Hayes.

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

EXECUTIVE SESSION

Motion by Councilmember Schlemmer, second by Councilmember Crist: That the Town Board enter into Executive Session at 8:17 PM for the purpose of discussing strategy and litigation in the Karen Johnson Supreme Court case.

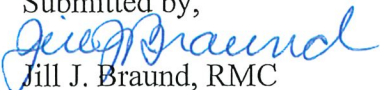
Mr. Crist - Aye	Mr. Schlemmer _ Aye
Mr. Cresanti – Aye	Mr. Anderson – Aye – Motion Carried

REGULAR SESSION / ADJOURNMENT

Motion by Councilmember Cresanti, seconded by Councilmember Crist: That the Town Board Meeting return to Regular Session and be adjourned at 8:29 PM.

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

Submitted by,



Jill J. Braund, RMC

Ellery Town Clerk

February 24, 2026