

**REGULAR MEETING – TOWN OF SHELBY**  
**4062 SALT WORKS RD., MEDINA, NY**  
**October 10, 2017 7:00PM**

Present: Merle Draper, Supervisor  
Dale Stalker, Councilman  
Kenneth Schaal, Councilman  
Stephen Seitz, Sr., Councilman  
Darlene Rich, Town Clerk  
Bethany Centrone, Counsel for Bond, Schoeneck & King  
Michael Fuller, Highway Supt.  
Trisha Laszewski, Assessor  
Kirk Myhill, Planning Board Chairman  
Dan Wolfe, Codes & Zoning Officer  
Claude Grimes, Constable  
Michael Reese, Constable

Excused: William Bacon, Councilman

Others:	Jarred Saj	Ed Houseknecht
	Les Quackenbush	Brian Murray Sr.
	Gerry Zinkievich	Terry Mahnke
	Wendi Pencille	Hannah Mahnke
	Megan Showler	Alan Bushover
	Jerry Velesko	Mary Zelazny
	Laura Washak	Alyssa McMullen
	Sue Fuller	William Eick-County Legislator

Meeting was called to order at 7:00PM

Pledge to the flag

Public forum regarding agenda items only – A couple items have been added. Engagement letter from auditors, surplus property with village and letter from resident about water.

Brian McMurray asked about final payment on new water district. Said they aren't suppose to be paid unless work is satisfactory. He said he contacted Scott Mattison regarding washed out spots. One of Mike's guys showed up and fixed it.

Highway Report – (Mike Fuller) – Time & Labor on Fletcher Chapel Road, Edwards and Posson Road. Helped with the trucks to blacktop Village of Medina. Mowed road sides. Installed culvert pipe. Fixed headstones in Millville Cemetery. Read meter pits and checked PPM. Flushed hydrants, mowed cemeteries, fire company properties, water tower and vaults. Hot patch spots with paver. Install 2" service on Podunk Rd. Mike thanked Orleans County Highway for their paver and rollers. Thanked Job Corps for finishing Shelby Cemetery Stone front wall.

Engineer Report- General Engineering - Nothing new to report at this time. Should consider to move forward on proposed Water District 13 if there is enough interest from home owners. Water District No 12-Pilon Construction has completed all work related to the project. "Wish list" for additional items has been approved by John Helgren at USDA Rural Development. Based on discussion with Kathy Dear there may be \$8700 that remains in contingency that may be used for additional items if approved by RD. Supervisor has asked for Engineer to seek approval for the purchase of up to 3 automatic flusher units. Highway Supt. will provide Mr. Chatfield the pricing from three vendors so they can be submitted to RD. Town Court Improvements-Final plan is completed and preliminary cost estimate has been forwarded to Supervisor and Councilman Schaal for consideration . A draft letter has been prepared for Supervisor to review, sign and send to Senator Ortt for grant funding.

Assessor Report – (Trisha Laszewski) – Still working on updates. Keeping extremely busy. Carrie Ann passed her Notary Test.

Planning Board Report – (Kirk Myhill) –Mary Herbert has asked for consideration for a Special Use Permit to hold weddings. She would hold in a tent at first and then eventually move it to the barn for a banquet hall. Would like to see a moratorium on Solar Use-Planning Board, thought it would be best to come up with regulations of commercial solar use and by putting a 6 month moratorium on it they could have time to gather information. Information will be forward to the Board and Bethany if moratorium is adopted tonight.

Zoning Board Report – (Dan Wolfe) –Logged 8calls, 12 onsite inspections, Attended 1 planning Board Meeting, 1 ZBA meeting, 1 Shelby Town Court Appearance-Rogers Case. 6 Permits issued. 3 Violation letters (Property Maintenance and no building permit) Office hours 72. Miles logged 224. Spoke with Andy Beach, Fire Chief of East Shelby Fire Department about the control burn at Odell structure on East Shelby Road. Chief Beach said it would happen this month.

NYSDOT- Councilman Schaal asked about the letter extending the contract. Mike said he needs to get the new wage for the MEO's.

CEMETERY REPORT-Mary Zelazny said Craig Schrader put shingles on roof of chapel. Work was done under budget. Work will be done on the trim during the winter. The Chapel will be looking very nice for the 200th Celebration of the Town. Councilman Schaal thanked Mary and committee for restoring the building.

## **RESOLUTION 116-17**

### **RESOLUTION TO APPROVE MINUTES OF PREVIOUS MEETINGS**

Motion by Councilman Stalker and seconded by Councilman Schaal to approve minutes from the previous Shelby Town Board meetings.

Ayes – 4

Opposed – 0

Absent-Bacon

Motion carried

**RESOLUTION 117-17**

**RESOLUTION TO APPROVE THE TOWN CLERK REPORT**

Motion by Councilman Schaal and seconded by Councilman Seitz Sr. to approve the Town Clerk report.

Ayes – 4  
Opposed – 0  
Absent-Bacon  
Motion carried

**TABLE SUPERVISOR REPORT UNTIL NOVEMBER MEETING**

**RESOLUTION 118-17**

**RESOLUTION TO APPROVE PAYMENT OF BILLS**

General	\$ 31,030.91	Highway	\$ 116,331.00
Water 1	\$ 6,592.63	Water 2	\$ 2,625.92
Water 3	\$ 11,955.36	Water 4	\$ 11,898.65
Water 4B	\$ 3,557.83	Water5	\$ 866.85
Water 6	\$ 6,254.19	Water 7	\$ 4,300.24
Water 8	\$ 2,184.45	Water 9	\$ 1,917.69
Water 10	\$ 11,188.84	Water 11	\$ 1,373.39

Motion by Councilman Stalker and seconded by Councilman Seitz Sr. to approve the payment of bills.

Ayes – 4  
Opposed – 0  
Absent-Bacon  
Motion carried

**RESOLUTION 119-17**

**RESOLUTION TO ADOPT LOCAL LAW #4 of 2017-IMPOSING A MORATORIUM ON COMMERCIAL SOLAR USE IN TOWN OF SHELBY**

Motion by Councilman Schaal and seconded by Councilman Stalker to adopt Local Law #4 of 2017-Imposing a moratorium on commercial solar use in Town of Shelby.

Ayes -4  
Opposed – 0  
Absent-Bacon  
Motion carried

Public Hearing was held earlier this evening.

**RESOLUTION 120-17**

RESOLUTION TO CLOSE OUT WATER DISTRICT #12 AND NAME MICHAEL FULLER,  
WATER SUPERINTENDENT AS NYS CERTIFIED OPERATOR

Motion by Councilman Seitz Sr. and seconded by Councilman Stalker to close out Water  
District #12 and name Michael Fuller, Water Superintendent as NYS Certified Operator

Ayes – 4  
Opposed – 0  
Absent-Bacon  
Motion carried

**RESOLUTION 121-17**

RESOLUTION TO SET BUDGET HEARING FOR NOVEMBER 9TH AT 6PM

Motion by Councilman Schaal and seconded by Councilman Stalker to set Budget Hearing for  
November 9th at 6 PM.

Ayes – 4  
Opposed – 0  
Absent-Bacon  
Motion carried

**RESOLUTION 122-17**

RESOLUTION AUTHORIZING SUPERVISOR TO RENEW FIRE CONTRACT WITH  
EAST SHELBY FIRE COMPANY AND SHELBY FIRE COMPANY

Motion by Councilman Schaal and second by Councilman Stalker to authorize Supervisor to  
renew fire contract with East Shelby Fire Company and Shelby Fire Company

Ayes - 4  
Opposed - 0  
Absent-Draper  
Motion carried

**RESOLUTION 123-17**

RESOLUTION AUTHORIZING THE PAYMENT IN ADVANCE OF AUDIT OF CLAIMS  
FOR PUBLIC UTILITY SERVICES, POSTAGE, FREIGHT AND EXPRESS CHARGES

Motion by Councilman Schaal and second by Councilman Seitz Sr. to authorize payment in  
advance of audit of claims for public utility services, postage, freight and express charges.

Ayes - 4  
Opposed - 0  
Absent-Bacon  
Motion carried

**RESOLUTION 124-17**

RESOLUTION URGING THE NYS CONGRESSIONAL DELEGATION TO PRESERVE THE FEDERAL INCOME TAX DEDUCTION FOR STATE AND LOCAL TAXES (2017 NYSAC BOARD OF DIRECTORS RES #3)

Motion by Councilman Schaal and second by Councilman Seitz Sr. urging the NYS Congressional Delegation to preserve the Federal Income Tax Deduction for state and local taxes (2017 NYSAC Board of Directors Res #3)

Ayes - 4  
Opposed - 0  
Absent-Bacon  
Motion carried

**RESOLUTION125-17**

RESOLUTION CALLING ON THE STATE TO REIMBURSE COUNTIES FOR THE TEMPORARY DETAINMENT OF PAROLE VIOLATORS AT LOCAL FACILITIES (COUNTY RES. 342-917)

Motion by Councilman Stalker and second by Councilman Schaal calling on the State to reimburse counties for the temporary detainment of parole violators at local facilities (County Res. 342-917)

Ayes - 4  
Opposed - 0  
Absent-Bacon  
Motion carried

**RESOLUTION 126-17**

RESOLUTION TO ACCEPT AUDIT REPORT FROM AMATO FOX & COMPANY. PC

Motion by Councilman Schaal and second by Councilman Stalker to accept audit report from Amato Fox & Company, PC.

Ayes - 4  
Opposed - 0  
Absent-Bacon  
Motion carried

**RESOLUTION 127-17**

RESOLUTION TO AUTHORIZE SUPERVISOR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH THE VILLAGE TO EXCHANGE SURPLUS PROPERTY

Motion by Councilman Schaal and second by Councilman Seitz Sr. to authorize Supervisor to execute memorandum of understanding with the Village of Medina to exchange surplus property

Ayes - 4  
Opposed - 0  
Absent-Bacon  
Motion carried

Received a letter from a resident in Genesee County asking for water. They are 1000 feet from water line. Water Superintendent said we could do it like we did in Royalton. He will contact them.

Board Comments-County Legislator William Eick -Working on the budget  
Town Clerk wished Supervisor Happy Birthday

Public Comments –Jerry Velesko-Thanked highway for quick response taking care of the weeds on Shelby Basin Road and 31.

Motion by Councilman Stalker second by Councilman Seitz Sr. to adjourn meeting at 7:22 pm.

Respectfully submitted,

Darlene A. Rich, MMC, RMC  
Town Clerk