

REGULAR MEETING
TOWN OF SHELBY

February 14, 2017 7:03PM

Present: Merle Draper, Supervisor
Dale Stalker, Councilman
Kenneth Schaal, Councilman
William Bacon, Councilman
Darlene Rich, Town Clerk
Bethany Centrone, Council for Bond, Schoeneck & King
Trisha Laszewski, Assessor
Michael Fuller, Highway Superintendent
Dan Wolfe, Codes & Zoning Officer
Kirk Myhill, Planning Board Chairman
Traci Culver, Bookkeeper
Paul Gray, Constable
Claude Grimes, Constable

Absent: Stephen Seitz, Jr., Councilman

Others: Les Quackenbush Brian Murray, Sr.
Sue Fuller Alan Bushover
Jerry Velesko Jim Zelazny
Thurston Dale

Meeting was called to order at 7:03 PM

Pledge to the flag

Public forum regarding agenda items only –would be number 16 on the agenda-Discussion West Shelby Cemetery

Highway Report – (Mike Fuller) –Plowed streets twenty times, salted streets thirty five times, plowed town and county roads twenty times, salted town and county roads twenty five times. Cold patched holes. Put new roof on water building. Change out water meters. Stake out for utilities. Repaired mail boxes and road signs. Worked in his office and maintenance room building shelves and re-organizing.

Mike read Chatfield Engineer Status Report:

General Engineering-Met with Town Board and Mike Fuller to discuss providing public water to additional area within the Town of Shelby. A public information meeting will be held on Wednesday March 1 at 7:00 PM at the East Shelby Fire Hall.

Water District No.12 (West Shelby)-Weather conditions have forced Pilon Construction to stop construction temporarily due to cold and snow/wet conditions. Pilon Construction will continue to monitor the weather and will resume work once the weather conditions improve. Would ask the board to approve Change Order No. 1 in the amount of \$26,642.52. This change order is the 8-inch directional boring on the corner of West Shelby Road & County Line Road, installation of a 2-inch short side and long side water service and the installation of two permanent sample stations as requested by the Town of

Shelby. A wish list has been prepared for additional items and have received approval from John Helgren at USDA Rural Development.

Town Court Improvements- Final plans have been completed and the preliminary cost estimate has been forwarded to the Supervisor and Councilman Schaal for consideration. The next step would be to prepare a proposal for the necessary services to progress this project through the bid process, once the town determines the extent of the improvements to be made.

Councilman Stalker asked Highway Supt about projects for road rebuilding. He said he is working on it and will submit after he knows what CHIPS money is going to be and won't know until tentatively in April.

Assessor Report – (Trisha Laszewski) – Has been busy gathering information for potential water district. Application has been sent in for review of qualifications for Assessor candidate to allow Carianne Glass, Appraisal Technician Trainee to take state classes which would put her on the path to becoming a certified assessor.

Planning Board Report – (Kirk Myhill) – Two public hearings were held. Both were for free standing solar panels; one on Harrison Road and one on Telegraph Road. There was no comment. Special use permit was issued for sign above the door at the garage of the Shelby Fire Hall. Looking at trainings with the county.

Zoning Board Report – (Dan Wolfe) –Logged calls-4, on-site inspections-8, Meetings- 1 Planning Board, 1 ZBA-County Planning Board, Town of Shelby Court Appearance-1, Violation property maintenance for collapsed structure-1, Office hours-56. Traveled 89 miles. Attended DOS training in Cheektowaga 3 days for 24 credit hours. Dan will be referring the proposed zoning change (West Ave. Extension, South Gravel Rd, now zoned hamlet to proposed change of General Business to the County Planning Board if town board approves. He has worked extensively with Karl Essler on this. He also requests the Town Board set Solar pv arrays B/P fees as follows:

Residential Solar Systems \$50

Commercial Solar Systems \$250

Utility, Industrial, Solar Farms \$2500

Would ask Chatfield Engineer to review. Would need outside engineer to help so it would be in line with industrial buildings. Supervisor asked what fees were based on. Dan said the fees are based on other municipalities.

RESOLUTION 16-17

RESOLUTION TO APPROVE MINUTES OF PREVIOUS MEETINGS MINUTES

Motion, Schaal; second, Bacon

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 17-17

RESOLUTION TO APPROVE THE TOWN CLERK'S REPORT

Motion, Bacon; second, Schaal

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 18-17

RESOLUTION TO APPROVE THE SUPERVISOR'S REPORT

Motion, Stalker, seconded, Bacon

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 19-17

RESOLUTION TO APPROVE PAYMENT OF BILLS

Motion, Bacon; second, Schaal

General	\$	601,074.19	Highway	\$	47,564.59
Water No. 1	\$	1,133.42	Water No. 2	\$	55.41
Water No. 3	\$	294.52	Water No. 4	\$	1,516.64
Water No. 4B	\$	221.64	Water No. 5	\$	18.47
Water No. 6	\$	307.23	Water No. 7	\$	331.61
Water No. 8	\$	130.60	Water No. 9	\$	129.29
Water No. 10	\$	92.35	Water No. 11	\$	110.82

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 20-17

RESOLUTION SETTING PUBLIC HEARING REGARDING PRIDE PAK FOR MARCH 14, 2017 @ 7:00 PM

Motion, Schaal; second, Bacon

Ayes – 4

Opposed – 0

Absent-1

Motion carried

Town of Shelby was sponsoring municipality for Pride Pak funding agency. This requires a second hearing.

RESOLUTION 21-17

RESOLUTION TO SET INFORMATIONAL MEETING MARCH 1, 2017@ 7:00 PM AT EAST SHELBY FIREHALL TO HEAR DISCUSSION REGARDING PUBLIC WATER TO ADDITIONAL AREAS WITHIN THE TOWN OF SHELBY.

Motion, Bacon; second, Stalker

Ayes – 4

Opposed – 0

Absent-1

Motion carried

General area of service would be Wheeler Rd. between Millville-East Shelby Rd. & Shelby-Barre TL Rd.
Hemlock Ridge Rd between Millville-East Shelby Rd & Shelby-Barre TL Rd.
Smith Rd. between Millville-East Shelby Rd, & Shelby-Barre TL Rd.
Shelby-Barre TL Rd. between Wheeler Rd & Smith Rd.

Barber Rd between Shelby-Barre TL Rd and 500' west.

RESOLUTION 22-17

RESOLUTION AND ORDER AUTHORIZING DEMOLITION OF DANGEROUS STRUCTURE LOCATED AT 5475 EAST SHELBY ROAD (Note-Public Hearing was closed prior to board meeting.)

Motion, Stalker; second, Bacon

WHEREAS, the Zoning and Code Officer has filed an Investigation and Report (a copy of which is on file in the Office of the Shelby Town Clerk) recommending that the Town Board proceed under Local Law No. 1 of 1981 to secure the existing residential structure on 5475 East Shelby Road (tax account no. 114.-1-12), currently indicated in the records of the Orleans County Clerk as owned by Edward Odell, on the basis of its abandonment for over ten (10) years, its unsuitability for human occupation, significant rodent infestation that is affecting nearby properties, and conditions that may make it dangerous or unsafe to the general public; and

WHEREAS, based upon such report, the Town Board of the Town of Shelby adopted a Resolution and Order on December 13, 2016 accepting the Report of the Zoning and Code Officer, determining the structure on the property at 5475 East Shelby Road is unsafe and dangerous and that the property owner shall repair the structure or, if it cannot be repaired, shall demolish it pursuant to Local Law No. 1 of 1981, and scheduling a hearing on the potential repair or demolition of the subject property for January 10, 2017, with Notice of same to be sent to the owner as prescribed by Sections 6 and 7 of Local Law No. 1 of 1981;” and

WHEREAS, such Notice having been properly sent and filed, the Town Board of the Town of Shelby conducted such hearing on January 10, 2017 and continued same to February 14, 2017, at which meeting the Town Board closed the hearing; and

WHEREAS, the property owner has done nothing since the sending of such Notice or the conduct of the hearing to make any corrections to the condition of the property within the time limits established by Local Law No. 1 of 1981; now be it therefore

RESOLVED AND ORDERED, that the Town Board of the Town of Shelby hereby determines that, based upon the Investigation and Report of the Zoning and Code Officer and the evidence produced at the hearing, the structure on the property at 5475 East Shelby Road is unsafe and dangerous and that the Zoning and Code Officer shall make arrangements for the demolition of the structure on the property at 5475 East Shelby Road and restoration of the property to a safe condition, in his discretion, either by Town employees or by private contract, and in the event of a determination to proceed by private contract, such contract must first be approved by the Town Board, and, pursuant to Section 9 of Local Law No. 1 of 1981, in the event that such contract is anticipated to exceed \$5,000, it shall be subject to competitive bidding; and it is further

RESOLVED that all expenses associated with the proceedings here involved and the demolition of the structure and restoration of the property shall be assessed against the owner as provided in Section 10 of Local Law No. 1 of 1981.

Upon being put to a vote, the foregoing Resolution was adopted as follows:

Supervisor Draper-Ayes
Councilman Schaal-Aye
Councilman Bacon-Aye
Councilman Stalker-Aye

Councilman Seitz Jr. –Absent

RESOLUTION 23-17

RESOLUTION REQUEST OF CODE ENFORCEMENT OFFICER TO REFER THE
CONSIDERATION OF REZONING OF ROUTES 63 AND 31A TO COUNTY PLANNING BOARD

Motion, Schaal; second, Stalker

Ayes-4

Opposed-0

Absent-1

Motion carried

Proposal for new solar fees would need a public hearing. Will table until next month after Bethany Centrone, looks into it further.

RESOLUTION 24-17

RESOLUTION TO AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH JOHN
W. DANFORTH COMPANY REGARDING FACILITIES MAINTENANCE

Motion, Schaal; second, Bacon

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 25-17

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR TOWN HIGHWAY
SHARED HIGHWAY SERVICES WITH NEW YORK STATE

Motion, Bacon; second, Stalker

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 26-17

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR TOWN HIGHWAY
SHARED SERVICES CONTRACT WITH ORLEANS COUNTY

Motion, Bacon; second, Stalker

Ayes – 4

Opposed – 0

Absent-1

Motion carried

RESOLUTION 27-17

RESOLUTION OF SUPPORT-TOWN WIDE REASSESSMENT IN 2018

Motion, Schaal; second, Stalker

Ayes – 4

Opposed-0

Absent-1

Motion carried

The last reassessment was completed in 2013. A resolution of support is also being requested from the Town of Ridgeway allowing the entire Village of Medina to be included in the reassessment.

RESOLUTION 33-17

RESOLUTION TO APPROVE WATER DISTRICT NO.12 CHANGE ORDER NO. 1 TO INCREASED AMOUNT OF \$26,642.52

Motion, Schaal; second, Bacon

Ayes – 4

Opposed-0

Absent-1

Motion carried

RESOLUTION 34-17

RESOLUTION TO ACCEPT QUOTE FOR SECURITY UPGRADES TO THE BUILDING FROM STATE BID AND TO ACCEPT LOWEST QUOTE FOR CONFERENCE ROOM UPGRADE

Motion, Bacon; second, Schaal

Ayes – 4

Opposed-0

Absent-1

Motion carried

RESOLUTION 35-17

RESOLUTION TO HOLD SPECIAL MEETING ON MARCH 9 AT 7:00 PM AT THE SHELBY TOWN HALL REGARDING THE WEST SHELBY CEMETERY

Motion, Schaal; second, Stalker

Ayes – 4

Opposed-0

Absent-1

Motion carried

This is a meeting for lot owners. Majority of board members will be present. Cemetery Board is considering the Town to take over the cemetery. Board will be present to hear state of affairs.

Board Comments –none

Public Comments –none

Motion by Councilman Bacon and seconded by Councilman Stalker to adjourn meeting at 7:26 pm

Respectfully submitted,

Darlene A. Rich, MMC, RMC
Town Clerk