

REGULAR MEETING – TOWN OF SHELBY
4062 SALT WORKS RD., MEDINA, NY
OCTOBER 9, 2018 7:00PM

Present: Kenneth Schaal, Deputy Supervisor
William Bacon, Councilman
Stephen Seitz, Councilman
Jeff Smith, Councilman
Darlene Rich, Town Clerk
Bethany Centrone, Council for Bond, Schoeneck & King
Michael Fuller, Highway Supt.
Kirk Myhill, Planning Board Chair
Miranda Bennett, Bookkeeper
Paul Gray, Constable
Claude Grimes, Constable

Excused: Ed Houseknecht, Supervisor
Trisha Laszewski, Assessor
Dan Wolfe, Codes & Zoning Officer

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|---------|--------------------------------|-----------------|
| Others: | Mallory Deifenbach, Daily News | Sue Fuller |
| | Dave Mahar | Edward Zelazny |
| | James Zelazny | Sharlene Pratt |
| | Brian Murray Sr. | John Pratt |
| | Kim Weatherbee | Ashton Laird |
| | Eric Chambers | Chester Zelazny |
| | Dina Barone | E. Burgio |
| | Aaron Stahl | Les Quackenbush |
| | Jen Masse | Kelly Viterna |
| | Dominic Viterna | |

Meeting called to order at 7:00 pm.

Pledge to the flag.

Public forum-Brian Murray asked if there were any additions to the agenda. Deputy Supervisor told him there is one addition regarding expenditures in Highway

Highway Report – (Mike Fuller) –Hauled 5/8 rock to stock pile. Made shoulder mix through pug mill. Put shoulders on Freeman, Jackson and Shelby Basin. Helped Barre pave. Read water meters. Read meter pits. Checked chlorine levels. Mowed cemeteries, meter pits, water tower, fire company properties and all other town owned properties.
Working on prep work of snow plows.

Assessor Report – (Trisha Laszewski) –No report.

Planning Board Report – (Kirk Myhill) – William Nicohols filed application for a special use permit to run an auto repair shop on South Gravel Road. Public hearing was set for Nov 6. Resident in West Shelby would like to have his property taken out of Hamlet and be re-zoned Ag/Residential. There is a four hour training at NCCC. One member is going and one expressed interest.

Code Enforcement Report- (Dan Wolfe)- No report

Fire Chief Report -Shelby – Kirk Myhill- This Saturday will be an open house at the fire hall along with scarecrow festival at Mary Herbert Forrestal Riding Camp. The fire company will also be having a chicken bbq on this day during the open house.

Fire Chief Report-East Shelby- Mike Fuller reported purchasing a new fire truck. It will include battery-powered tool, which will be more portable. It will be an asset to the county. The two-day car show and swap meet “September to Remember” went good. There were 125 cars. Knights Kaderli used the fire hall on Saturday for their walk. Annual gun raffle is this Sunday. There will be a casino night the first week of February.

RESOLUTION 83-18

RESOLUTION TO APPROVE PREVIOUS MEETINGS MINUTES

Motion by Smith and seconded by Seitz to approve previous meetings minutes.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 84-18

RESOLUTION TO APPROVE THE TOWN CLERK’S REPORT

Motion by Seitz and seconded by Bacon to approve the Town Clerk’s report.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 85-18

RESOLUTION TO APPROVE THE SUPERVISOR’S REPORT

Motion by Bacon and seconded by Smith to approve the supervisor’s report.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 86-18

RESOLUTION TO APPROVE PAYMENT OF BILLS

| | | | |
|----------|--------------|----------|---------------|
| General | \$ 22,634.78 | Highway | \$ 252,995.05 |
| Water 1 | \$ 10,340.53 | Water 2 | \$ 1,731.44 |
| Water 3 | \$ 6,038.35 | Water 4 | \$ 7,703.81 |
| Water 4B | \$ 6,002.07 | Water 5 | \$ 1,035.81 |
| Water 6 | \$ 7,335.71 | Water 7 | \$ 9,628.86 |
| Water 8 | \$ 3,001.04 | Water 9 | \$ 2,599.83 |
| Water 10 | \$ 1,294.70 | Water 11 | \$ 1,724.73 |
| Water 12 | \$ 3,024.04 | | |

Motion by Bacon and seconded by Smith to approve the payment of bills.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 87-18

RESOLUTION RE-APPOINTING SHARLENE PRATT TO BOARD OF ASSESSMENT REVIEW WITH TERM RUNNING FROM OCTOBER 1, 2018 TO SEPTEMBER 30, 2023

Motion by Bacon and seconded by Smith to re-appoint Sharlene Pratt to Board of Assessment Review with term running from October 1, 2018 to September 30, 2023.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 88-18

RESOLUTION SETTING ANNUAL BUDGET HEARING FOR 2019 FOR NOVEMBER 1, 2018 AT 6:00 PM.

Motion by Smith and seconded by Bacon setting annual budget hearing for 2019 on November 1, 2018 at 6:00 pm.

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 89-18

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED AMENDMENTS TO WESTERN ORLEANS COMPREHENSIVE PLAN FOR NOVEMBER 1 AT 6:20 PM

Motion by Seitz and seconded by Smith to set Public Hearing for proposed amendments to Western Orleans Comprehensive Plan for November 1 at 6:20 pm.

Ayes – 4, Opposed-0, Absent-1

Motion carried

Minimum Payment of Taxes -Last month a resolution was passed to allow minimum payment of taxes to be at least the amount of the recycling and waste. At request of the County, it needed to be clarified that first payment was to be the amount of the Recycling and Waste and payments thereafter the minimum payment had to be at least \$200.00. The penalty would need to be added if during the penalty period.

RESOLUTION 90-18

RESOLUTION SETTING FIRST MINIMUM PAYMENT FOR PAYMENT OF TAXES AS THAT OF RECYCLING AND WASTE AND THE MIMIMUM PAYMENT AFTER THAT WOULD BE AT LEAST \$200.00 WITH PENALTY ADDED IF DURING PENALTY PERIOD.

Motion by Seitz and seconded by Smith to set the first minimum payment for payment of taxes as that of recycling and waste and the minimum payment after that would be at least \$200 with penalty added if during penalty period.

Ayes – 4, Opposed, 0, Absent-1

Motion carried

Tax Cap override-This is a precautionary measure. Do not think it will be exceeded but this would protect the town if we went over.

RESOLUTION 91-18

RESOLUTION SETTING PUBLIC HEARING ON NOVEMBER 1, 2018 AT 6:45 PM REGARDING PROPOSED LOCAL LAW A OF 2018, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

Motion by Bacon, seconded by Smith to set public hearing on November 1, 2018 at 6:45 pm regarding proposed Local Law A of 2018, A local law to override the tax levy limit established in General Municipal Law 3-C

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 92-18

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN AMENDMENT B OF SNOW AND ICE AGREEMENT FOR 2017/2018 YEAR

Motion by Bacon and seconded by Seitz authorizing Supervisor to sign Amendment B of Snow & Ice Agreement for 2017/2018 year.

Ayes – 4, Opposed-0, Absent-1

Motion carried

Recommendation from Town Planning Board to rezone property at 10500 West Shelby Rd. from hamlet to Ag. Residential-Request to be sent back to Planning Board for work up before action.

In budget bill in April the Governor passed a new sexual harassment prevention policy. There has to be trainings with this policy. This new policy must be in place by October 9, 2018

RESOLUTION 93-18

RESOLUTION ADOPTING SEXUAL HARRASSMENT PREVENTION POLICY FOR ALL EMPLOYEES IN NEW YORK STATE

Motion by Seitz and seconded by Smith to adopt sexual harassment prevention policy for all employees in New York State

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 94-18

RESOLUTION AUTHORIZING THE COURT TO APPLY FOR A NYS OCA JUSTICE COURT ASSISTANCE PROGRAM (JCAP)

Motion by Bacon and seconded by Seitz authorizing the Court to apply for a NYS OCA Justice Court assistance program (JCAP)

Ayes – 4, Opposed-0, Absent-1

Motion carried

RESOLUTION 95-18

RESOLUTION AUTHORIZING HIGHWAY SUPERINTENDENT TO SPEND UP TO \$15,000 FROM DB5110.4 GENERAL REPAIR CONTRACTUAL FOR FOLLOWING ITEMS THAT THE HIGHWAY COMMITTEE AUTHORIZES:

TRUCK #654

PARTICULATE FILTER FOR REGENERATION SYSTEM

TRUCK # 653
8 REAR TIRES-STATE BID
2 FRONT TIRES-STATE BID
4 NEW RIMS
2 FRONT SLACK ADJUSTERS
4 REAR SLACK ADJUSTERS
1 SET CARBITE BLADES
3 RUBBER WING BLADES
18 WING SHOES
RUST KOTE

Motion, Bacon; Second, Seitz

Ayes – 4, Opposed-0, Absent-1

Motion carried

Board Comment: Town Clerk submitted temporary budget to the Town Board on October 1, 2018

Public comment-Eric Chambers said that tax cap override allows the board to increase spending. Deputy Supervisor answered that 2% is not a definite number. Our intention is not to go over that but if we do and this is not in place, we would be penalized. Jim Zelazny asked if anyone on the board had been approached by any solar companies. Councilman Smith said they received one a couple of weeks ago and as a board, they have some questions therefore would not pass the resolution tonight for the local law. As he continued he said the board is not against solar coming in, but the Board would like to have a bit of a say. Ed Zelazny asked who else received a call last night regarding the Town Republican Committee. He said his brother Jim was called for alternate. Deputy Supervisor said he couldn't answer that and he could call the Chairman. Chester Zelazny said he should know as he is Vice Chair of the Committee. Deputy Supervisor Schaal responded that right now he is Deputy Supervisor and this is a town board meeting. There were no other comments.

Motion by Bacon and seconded by Smith to adjourn meeting at 7:29 PM.

Ayes-4, Opposed-0, Absent-1

Motion carried

Respectfully submitted,
Darlene Rich, MMC, RMC

