

**REGULAR MEETING – TOWN OF SHELBY**  
**4062 SALT WORKS RD., MEDINA, NY**  
**SEPTEMBER 14, 2021 7:00PM**

Present: Jeff Smith, Supervisor  
William Bacon, Councilman  
Stephen Seitz Councilman  
John Pratt, Councilman  
Ryan Wilkins, Councilman  
Darlene Rich, Town Clerk  
Bethany Centrone, Esq. Town Attorney  
Dale Root, Highway Superintendent  
Dan Wolfe, Codes & Zoning Officer  
Miranda Bennett, Bookkeeper  
Claude Grimes, Constable  
Paul Gray, Constable

Excused: Trisha Laszewski, Assessor

Absent: Kirk Myhill, Planning Board Chairman

Others:	Stacy McCarthy	Robert McCarthy
	Sharlene Pratt	John McCarthy
	Mike Rich	Katy Owczarczak
	Allan Bushover	Les Quackenbush
	Julie Wolter	Dave Shrong
	Colm Harvey	Lydia Lake

Meeting was called to order at 7:01PM

Pledge to the flag

Public forum regarding agenda items only – On the agenda under other item 2 remove “Resolution 70-21 Request IDA involvement with PILOT only negotiations process with respect to the Hemlock Facility”

Highway Report – (Dale Root) –Month of August was slow as men took some time off they had earned. Weed spraying and exercising (flushing) hydrants was done. PPM checks were done. Helped many towns and the county through shared services agreement. Was able to acquire a substantial amount of millings, and will be able to pave Martin Rd. between Sanderson Rd and Water Works Rd. next year. Furness Parkway and Charles Street were swept and the fog seal coating applied. It turned out very well. We have received positive responses from some of the residents. Good job men. Shoulders were cut on Culvert Rd. and smoothed it out after much rain. Salt brine was applied to help stabilize when it had dried out. The hope is that the water will shed to the outside and not wash the road anymore. Six hundred seventy four tons of salt was received, added to what we had in the barn, this will give us an outstanding start for the snow season coming. It was a busy month for funerals, stake outs and the never ending stacking of E-Waste. We were able to get easements signed so as we can start the West Ave Ext. project to alleviate any more flooding there. He is pleased to report tonight that today we were able to complete the ditch at 4234 West Ave. Ext. This will capture the water coming from the west and channel it to the new culvert install to be done next week.

Assessor Report – (Trisha Laszewski) – Supervisor read report from Trisha. Work on the 2022 update has begun. They have had a few calls regarding school taxes. Julie and Trisha continue to check on completed building permits and take pictures of properties that have sold. Trisha said she appreciates the board proposing the resolution to reappoint Paul Gray to the Board of Assessment Review.

Planning Board Report – (Kirk Myhill) –No report Dan Wolfe said they did not meet last month.

Code Enforcement / Zoning Board Report – (Dan Wolfe) – Finishing up building inspections. Working on Building permits. Condemned house at 5063 South Gravel Road. Placard the house so the fire company knows not go in. Has completed twenty two of the twenty four hours of state training online.

## **RESOLUTION 65-21**

**RESOLUTION TO APPROVE MINUTES FROM THE AUGUST 10, 2021  
TOWN BOARD MEETING**

Motion, Seitz; second, Bacon

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 66-21**

**RESOLUTION TO APPROVE THE TOWN CLERK'S REPORT**

Motion, Bacon; second, Pratt

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 67-21**

**RESOLUTION TO APPROVE THE SUPERVISOR'S REPORT**

Motion, Wilkins; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

**RESOLUTION 68-21**

**RESOLUTION TO APPROVE PAYMENT OF BILLS**

General -	\$20,625.30	Highway -	\$49,458.26
Water 1 -	\$ 140.38	Water 2 -	\$ 14.64
Water 3 -	\$ 163.88	Water 4A -	\$ 58.56
Water 4B -	\$ 3,476.31	Water 5 -	\$ 4.88
Water 6 -	\$ 84.47	Water 7 -	\$ 52.63
Water 8 -	\$ 50.48	Water 9 -	\$ 34.16
Water 10 -	\$ 24.40	Water 11 -	\$ 164.98
Water 12 -	\$ 4.86		

Motion, Pratt; second, Bacon

Ayes-5

Opposed – 0

Motion carried

Deputy Supervisor William Bacon introduced Resolution 69-21 and 70-21. These resolutions pertain to the Supervisor himself or his family.

**RESOLUTION 69-21**

**RESOLUTION TAKING PRELIMINARY STEPS IN CONNECTION WITH REVIEW OF THE BORREGO APPLICATION**

**WHEREAS**, the Town Board of the Town of Shelby (the “Town Board”) received special use permit and site plan applications from Borrego Solar, Inc. for the construction and operation of two wind energy turbines, totaling 10-megawatt (MW) on a portion of the properties at 4362 South Gravel Road (parcel tax ID 90.-1-35.12, southern parcel) and 4324 South Gravel Road (parcel tax ID 90.-1-35.11, northern parcel) in the Town of Shelby, Orleans County NY 14103 (the “Borrego Applications”);

**WHEREAS**, under the New York State General Municipal Law and under the Town Zoning Law, the Town Board must refer the Borrego Applications to the Orleans County Planning Board and to the Town of Shelby Planning Board (the “Town Planning Board”) for their respective reviews and recommendations; and

**WHEREAS**, the Town Board also desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”), as set forth at Article 8 of the New York State Environmental Conservation Law, and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”), to assess the potential environmental impacts associated with the Proposed Local Law;

**WHEREAS**, pursuant to the Regulations, the Town Board has considered the Borrego Applications in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

**WHEREAS**, the Town Board requires technical assistance in connection with its review of the Borrego Applications and plans to refer the Borrego Application to the Town’s engineering firm, MRB Group, for its review and recommendation.

**NOW, THEREFORE, IT IS:**

**RESOLVED**, that the Town Board hereby refers the Borrego Applications to the Orleans County Planning Board and to the Town Planning Board for their respective reviews and recommendations;

**FURTHER RESOLVED**, that the Town Board declares its intent to act as lead agency for the SEQRA review of the Borrego Applications, preliminarily classifies the Borrego Applications as a Type 1 Action under SEQRA, and authorizes any correspondence necessary with other involved or intended agencies;

**FURTHER RESOLVED**, that the Town Board appoints MRB Group as the Town Engineer for purposes of reviewing the Borrego Applications and refers the Borrego Applications to the MRB Group for its review and comment;

**FURTHER RESOLVED**, that the Town Board shall require Borrego to enter into an escrow agreement with the Town to cover the cost of all engineering and legal fees associated with the Town’s review of the Borrego Applications;

**FURTHER RESOLVED**, that the Deputy Town Supervisor, and Town Clerk are authorized to take any actions necessary to carry out this resolution; and

**FURTHER RESOLVED** that this Resolution shall take effect immediately.

Motion, Wilkins; second, Seitz

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

Supervisor Jeff Smith     RECUSED

Councilman William Bacon –aye

Councilman Stephen Seitz-aye

Councilman John Pratt -aye

Councilman Ryan Wilkins -aye

Motion carried

**RESOLUTION 70-21**

**RESOLUTION TO ACCEPT PROPOSAL FROM WENDEL FOR ENGINEERING SERVICES WITH RESPECT TO HEMLOCK FACILITY**

**WHEREAS**, the Town Board of the Town of Shelby (the “Town Board”) received notice that Hemlock Ridge Solar LLC (“Hemlock”) filed an application with the Office of Renewable Energy Siting (“ORES”) seeking a permit for a Major Renewable Energy Facility pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act, found in Section 94-c of the New York Executive Law, with implementing regulations at 19 NYCRR Part 900 (the Act), to build and operate the Hemlock Ridge Solar project (the Facility), a solar electric generating facility in the Towns of Barre and Shelby, Orleans County, New York. The proposed Facility will have a total generating capacity of up to 200 megawatts (MW). The Facility will include solar panels, electrical collection lines, inverters, a potential energy storage system, interconnection substation, fencing, access roads, and an operations and

maintenance building. The Facility will interconnect to the New York electrical grid via a new Point of Interconnection, located on National Grid's Lockport-Mortimer 115-kV transmission lines; and

**WHEREAS**, the Act requires Hemlock to fund a local agency account for local agency intervenors to cover costs associated with contributing to a complete record and leading to an informed permit decision as to the appropriateness of the site and the facility, and for local agencies, shall include the use of funds to determine whether a proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations; and

**WHEREAS**, the Town of Shelby requested and was granted intervenor funds in the amount of \$55,000 by ORES; and

**WHEREAS**, the Town Board recognizes that review of the proposed Facility will involve engineering and technical considerations, and the Town Board desires to retain an engineering consultant to assist the Town in its review and analysis of the information the Applicant submits for the Facility; and

**WHEREAS**, the Town previously requested proposals from certain engineering firms to provide these technical services to the Town for the Facility review and the Town Board previously approved a proposal from Wendel dated April 15, 2020 to assist the Town in its technical review of the Facility (the 2020 Proposal);

**WHEREAS**, the 2020 proposal did not apply to the review of the Facility by ORES pursuant to the Act; and

**WHEREAS**, the Town requested an updated proposal from Wendel, which was received on August 12, 2021 (the 2021 Proposal).

**NOW, THEREFORE, IT IS:**

**RESOLVED**, that the Town Board hereby accepts the 2021 Proposal submitted by Wendel and designates Wendel to render the technical services to the Town for the Facility review as identified in the 2021 Proposal, provided that in no event shall the fees owed by the Town for the services outlined in the 2021 Proposal exceed the fees identified in the 2021 Proposal's Section C, which fees will be covered by the intervenor funds granted by ORES;

**FURTHER RESOLVED**, that the Town Board and Town Clerk are authorized to take any actions necessary to carry out this resolution, including execution of an engagement agreement with Wendel that is consistent with the terms of the 2021 Proposal and this Resolution; and

**FURTHER RESOLVED** that this Resolution shall take effect immediately.

Motion, Wilkins, second, Pratt

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

Supervisor Jeff Smith RECUSED

Councilman William Bacon -aye

Councilman Stephen Seitz -aye

Councilman John Pratt -aye

Councilman Ryan Wilkins -aye

Motion carried

Note -The Town of Shelby received \$55,000 up front to pay Wendel for engineer services per the 2021 proposal

Deputy Supervisor turned the meeting back over to Supervisor Smith to finish out the rest of the meeting.

### **RESOLUTION 71-21**

#### **RESOLUTION SETTING BUDGET WORKSHOPS.**

Setting budget workshops as follows: Department heads to meet Sept 20<sup>th</sup> from 6 pm-7pm with Town Board, with budget workshop immediately following at 7 pm. Second Budget workshop session Sept. 27<sup>th</sup> at 6pm.

Motion, Wilkins; second Pratt

Ayes – 5

Opposed – 0

Motion carried

### **RESOLUTION 72-21**

#### **RESOLUTION SETTING SPECIAL MEETING OCTOBER 4, 2021 AT 6 PM**

Setting Special Meeting on October 4, 2021 at 6 pm. Purpose of this Special Meeting is for the Town Clerk to present the 2022 Town of Shelby Budget to the Town Board.

Motion, Pratt; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

### **RESOLUTION 73-21**

**RESOLUTION REAPPOINTING PAUL GRAY TO BOARD OF ASSESSMENT REVIEW WITH TERM RUNNING FROM 10/01/21 TO 09/30/21**

Re-appoint Paul Gray to the Board of Assessment Review with term running October 1, 2021 – September 30, 2026

Motion, Bacon; second, Pratt

Ayes-5

Opposed-0

Motion carried

Board Comments – Councilman Seitz asked Dale if he swept the roads before he sealed them. He said he did.

Public Comments – John McCarthy-“What is the board planning on doing with the Workplace Violence Incident report that the Town Clerk filed against Councilman Wilkins regarding verbal abuse? Attorney replied “it’s not appropriate discussion of the board.”

Mike Rich- “We have listened to the recording of the verbal abuse by Councilman Wilkins to the Town Clerk and can’t believe nothing has been done yet”.

Attorney said “no comment, just listening.”

Katy Ozwczarczak- Said she did not have a question but she did have a statement. “Workplace violence training is a mandatory training. I have had to take the training in any jobs I have held. Workplace violence is not tolerated and employees are terminated immediately if they violate this policy.” Attorney said “No comment, just listening”.

Motion by Councilman Bacon and seconded by Councilman Pratt to adjourn the town board meeting at 7:11 PM.

Respectfully submitted,  
Darlene A. Rich, Town Clerk