

**REGULAR MEETING – TOWN OF SHELBY
4062 SALT WORKS RD., MEDINA, NY
NOVEMBER 9, 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
Trisha Laszewski, Assessor
Miranda Bennett, Bookkeeper
Claude Grimes, Constable
Paul Gray, Constable

Excused: Kirk Myhill, Planning Board Chairman
Dan Wolfe, Codes & Zoning Officer

Others: Sharlene Pratt Brian Murray Sr.
Ed Zelazny Mike Rich
Allan Bushover Les Quackenbush

Meeting was called to order at 6:35 PM immediately after Public Hearing closed.

Public forum regarding agenda items only – no items to add or delete

Highway Report – (Dale Root) –Cross cut on West Ave. Extension has been paved over, in addition a portion of the intersection at Salt Works Road and 31A was paved by the county. The men placed shoulders on Alabama St, and Sour Springs Rd. Shared services with the Town of Ridgeway, paving the Town of Barre and paving a large water tap across Rt. 98, the Village of Lyndonville water leak detection and the county paving. Final CHIPS forms were submitted for payment. \$42,669.00 should be deposited in December, giving the town a reimbursement of just under \$215,000.00. The fall inspection of HVC was performed by Houseman Refrigeration. Trucks have been rotated through the shop to prepare for the upcoming season. Four trucks ready to go. The stainless steel sander is in truck. 652 and functioning. Dirt roads have been graded, dead deer picked up, stake outs

performed, water flushed, election hall set up, cemetery foundations poured and E-waste stacked.

Assessor Report – (Trisha Laszewski) – Julie finished her last class. She passed and is now certified. Would like a resolution to appoint a new BAR member.

Planning Board Report – (Kirk Myhill) – absent. Jeff read his report. Held preliminary meeting regarding Bill Keppler’s request in moving his sporting clay course from neighbors and changing the hours of operation. Training is being held by Niagara County SWCD on November 9, 2021 for 2 hours regarding Site Plan Review for large developments.

Code Enforcement / Zoning Board Report – (Dan Wolfe) – absent, no report.

RESOLUTION 84-21

RESOLUTION TO APPROVE MINUTES OF THE OCTOBER 12, 2021 TOWN BOARD MEETING

Motion, Wilkins; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 85-21

RESOLUTION TO APPROVE MINUTES OF THE TOWN BOARD PUBLIC HEARING MINUTES OF OCTOBER 18, 2021, PROS AND CONS OF CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW SECTION 131

Motion, Pratt; second, Bacon

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 86-21

RESOLUTION TO APPROVE THE SPECIAL MEETING MINUTES OF OCTOBER 26, 2021, SETTING PUBLIC HEARING FOR NOVEMBER 9, 2021 AT 6:30 PM FOR PROPOSED LOCAL LAW NUMBER 2 OF 2021, OPTING OUT OF BOTH LICENSING AND ESTABLISHING CANNABIS DISPENSARIES AND/OR ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITH THE TOWN OF SHELBY PURSUANT TO CANNABIS LAW SECTION 131

Motion, Bacon; second, Wilkins

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 87-21

RESOLUTION TO APPROVE PUBLIC HEARING MINUTES OF NOVEMBER 4, 2021 FOR THE PROPOSED 2022 PRELIMINARY BUDGET

Motion, Seitz; second, Bacon

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 88-21

RESOLUTION TO APPROVE THE OCTOBER TOWN CLERK REPORT

Motion, Wilkins; second, Pratt

Ayes-5

Opposed-0

Motion carried

RESOLUTION 89-21

RESOLUTION TO APPROVE THE SUPERVISOR REPORT

Motion, Seitz; second, Wilkins

Ayes-5

Opposed-0

Motion carried

RESOLUTION 90-21

RESOLUTION TO APPROVE PAYMENT OF THE CLAIMS AGAINST THE TOWN

General - \$ 28,125.02

Water 1 - \$ 55.12

Water 3 - \$ 8,805.59

Water 6 - \$ 30.28

Water 8 - \$ 21.20

Water 12 - \$ 27,067.50

Highway - \$ 22,985.44

Water 2 - \$ 1,127.35

Water 4A - \$ 7,906.75

Water 7 - \$ 124.68

Water 10 - \$ 8,931.87

Motion, Bacon; second, Pratt

Ayes-5

Opposed – 0

Motion carried

RESOLUTION 91-21

RESOLUTION TO ADOPT PROPOSED LOCAL LAW NUMBER 2 OF 2021 “ A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.” A PUBLIC HEARING WAS HELD ON OCTOBER 18, 2021, “OPT OUT PROS AND CONS –CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.” A PUBLIC HEARING WAS HELD PRIOR TO THIS BOARD MEETING REGARDING PROPOSED “LOCAL LAW NUMBER 2 OF 2021 OPTING OUT OF BOTH LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND /OR ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF SHELBY PURSUANT TO CANNABIS LAW SECTION 131.”

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Shelby.

Section 1. Legislative Intent

It is the intent of this local law to opt the Town of Shelby out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries, which are not coextensive with the Village of Medina.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Town Board of the Town of Shelby, County of Orleans, hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Town of Shelby, which are not coextensive with the Village of Medina.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

Motion, Seitz; second, Pratt

Smith- Opt Out
Bacon- Opt Out
Seitz- Opt Out
Pratt- Opt out
Wilkins- Opt in
Motion carried

Attorney said that this law is for the part of Shelby to opt out that is not in the village.

RESOLUTION 92-21

RESOLUTION TO ADOPT THE 2022 TOWN OF SHELBY BUDGET WITH NO CHANGES AS PRESENTED ON NOVEMBER 4, 2021

Motion, Wilkins; second, Bacon

Smith-Aye
Bacon-Aye
Seitz-Aye
Pratt-Nay
Wilkins-Aye
Motion carried

RESOLUTION 93-21

RESOLUTION TO ADOPT THE ORLEANS COUNTY HAZARD MITIGATION PLAN (HMP) AS THIS JURISDICTIONS' NATURAL HAZARD MITIGATION PLAN, AND RESOLVES TO EXECUTE THE ACTIONS IN THIS PLAN

WHEREAS, the Town of Shelby, with the assistance from Tetra Tech, Inc., has gathered information and prepared the Orleans County Hazard Mitigation Plan; and

WHEREAS, the Orleans County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Shelby is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Shelby has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by Shelby Town Board that the Town of Shelby adopts the Orleans County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Motion, Pratt; second, Seitz

Ayes-5

Opposed – 0

Motion carried

This plan needs to be in place in case we have a natural disaster

RESOLUTION 94-21

RESOLUTION FOR TOWN OF SHELBY PLANNING BOARD TO ATTEND TRAINING IN LOCKPORT

Motion, Bacon; second, Pratt

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 95-21

RESOLUTION TO APPOINT DIANE WENHAM TO THE BOARD OF ASSESSMENT REVIEW WITH TERM ENDING SEPTEMBER 30, 2022,

WHICH WOULD COMPLETE THE TERM OF KATHY ZELIFF, WHO HAS
RESIGNED

Motion, Wilkins; second, Seitz

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 96-21

RESOLUTION TO AUTHORIZE HIGHWAY SUPERINTENDENT DALE
ROOT TO SIGN THE SNOW AND ICE AGREEMENT WITH THE COUNTY

Motion, Bacon; second, Pratt

Ayes – 5

Opposed – 0

Motion carried

RESOLUTION 97-21

RESOLUTION TO AUTHORIZE HIGHWAY SUPERINTENDENT DALE
ROOT TO SIGN THE SNOW AND ICE AGREEMENT WITH THE STATE

Motion, Seitz; second, Wilkins

Ayes – 5

Opposed – 0

Motion carried

Board Comments – No comments

Public Comments – No comments

Motion by Councilman Wilkins and seconded by Councilman Bacon to adjourn the
town board meeting at 6:49 PM.

Respectfully submitted,

Darlene A. Rich, MMC/RMC
Town Clerk