

**DRAFT -PENDING APPROVAL AT THE JAN 11, 2022 TOWN BOARD MEETING**

**REGULAR MEETING – TOWN OF SHELBY (VIRTUAL)  
4062 SALT WORKS RD., MEDINA, NY  
DECEMBER 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-virtual  
Miranda Bennett, Bookkeeper

Excused: Dale Root, Highway Superintendent  
Trisha Laszewski, Assessor  
Kirk Myhill, Planning Board Chairman  
Dan Wolfe, Codes & Zoning Officer

Others: Mary Zelazny Julie Wolter

Meeting was called to order at 7:00 PM.

Public forum regarding agenda items only- 2 items. One is a resolution for handbook revision and the other is to pay office staff due to power outage last week.

Highway Report – (Dale Root) –Supervisor read the report. All trucks and loader have been serviced. There were a few incidents to plow and all equipment functioned well. Roads were patched with hot mix throughout the town in November. County water audit went well. Picked up dead deer. Equipment was serviced and put away for the winter. Had a few burials. Last week there was an electrical fire in the town’s service lines with a lot of smoke in the building. Fire Company was called as well as National Grid. Service was disconnected. The problem was identified, and new service is being installed with new conduit. National Grid will be installing new wire from their pole and a new transformer. Due to the windstorm this past weekend we have had many stakeouts called in and there were plenty of trees to clean up. As a department he is very happy they have

been aggressive the last couple of years cutting back dead and problematic trees. He would like to thank all of the residents for their cooperation. He is hoping all residents are back on with power and would like to thank Rusty and Jeremy for their commitment to the town during this past week dealing with the fire in the clerk's office. Constant water testing and flushing plus the e-waste stacking continues.

Assessor Report – (Trisha Laszewski) –Supervisor read the report. Julie and Trisha completed a Real Property Tax Law virtual class. Trisha will be receiving 6 continuing credits for attending the class. Renewal notices for the Agricultural, Aged-Senior Exemption, non-profit, and Disability exemptions will be mailed the last week of December. These exemptions must be renewed on an annual basis in order for them to stay in effect. If not renewed by March 1 the exemption is removed. The Ridgeway office will be closed December 23, 24 and 31.

Planning Board Report – (Kirk Myhill) – Supervisor said the meeting was cancelled as there was nothing to act upon.

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

### **RESOLUTION 98-21**

RESOLUTION TO APPROVE THE PUBLIC HEARING MINUTES OF THE NOVEMBER 9, 2021 “PROPOSED LOCAL LAW NO. 2 OF 2021-OPTING OUT TO 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”

Motion Pratt; second, Seitz

Ayes-5; Opposed-0; motion carried

### **RESOLUTION 99-21**

RESOLUTION TO APPROVE THE TOWN BOARD MINUTES OF THE NOVEMBER 9, 2021 TOWN BOARD MEETING

Motion, Seitz; second, Bacon

Ayes-5; Opposed-0; motion carried

### **RESOLUTION 100-21**

RESOLUTION TO APPROVE THE NOVEMBER TOWN CLERK REPORT

Motion, Wilkins; second, Pratt  
Ayes-5; Opposed-0; motion carried

**RESOLUTION 101-21**

RESOLUTION TO APPROVE THE SUPERVISOR REPORT

Motion, Bacon; second, Seitz  
Ayes-5; Opposed-0; motion carried

**RESOLUTION 102-21**

RESOLUTION TO APPROVE PAYMENT OF THE CLAIMS AGAINST THE TOWN

General -	\$	41,302.91	Highway -	\$	23,144.82
Water 1 -	\$	64.06			
Water 3 -	\$	104.47			
Water 6 -	\$	1661.37			
Water 7 -	\$	128.36			
Water 8 -	\$	21.20			
Water 9 -	\$	3971.25			

Motion, Wilkins; second, Bacon  
Ayes-5; Opposed-0; motion carried

**RESOLUTION 103-21**

RESOLUTION TO SET THE YEAR END MEETING FOR DECEMBER 30, 2021 AT 2:00 PM.

Motion, Wilkins; second, Pratt  
Ayes-5; Opposed-0; motion carried

**RESOLUTION 104-21**

RESOLUTION TO SET THE ORGANIZATIONAL MEETING FOR JANUARY 3, 2022 AT 5:00 PM.

Motion, Pratt; second, Wilkins; motion carried

**RESOLUTION 105-21**

RESOLUTION REQUESTING ASSISTANCE OF IDA FOR PILOT FOR HEMLOCK RIDGE SOLAR PROJECT

**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 enter into a PILOT agreement with the taxing jurisdictions in which the Facility is located; and

**WHEREAS**, Hemlock has requested the Orleans County Industrial Development Agency (“IDA”) to assist with the negotiation of the PILOT; and

**WHEREAS**, the IDA requires the taxing jurisdictions to consent to its assistance with negotiation of the PILOT; and

**WHEREAS**, the Town of Barre has already requested the assistance of the IDA in connection with the negotiation of the PILOT; and

**WHEREAS**, the Town of Shelby now seeks the assistance of the IDA in connection with the negotiation of the PILOT.

**NOW, THEREFORE, IT IS:**

**RESOLVED**, that the Town Board hereby requests and consents to the Orleans IDA assisting with the negotiation of the PILOT agreement with Hemlock in connection with the Facility, provided that the Town retains full authority and autonomy in connection with the ultimate approval of any PILOT agreement and this request or consent does not obligate the Town to agree to whatever terms the IDA and Hemlock may find acceptable;

**FURTHER RESOLVED**, that the Town Board 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; seconded-Bacon

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

This solar project is 85% Barre and 15% Shelby. Supervisor Smith recused himself as he is related by marriage to one of the owners.

**RESOLUTION 106-21**

RESOLUTION TO RE-APPOINT CRAIG LACY TO ZONING BOARD OF APPEALS WITH TERM EXPIRING ON 12-31-2026

Motion, Pratt; second, Seitz

Ayes-5; Opposed- 0; motion carried

**RESOLUTION 107-21**

RESOLUTION TO APPROVE REVISIONS TO THE TOWN EMPLOYEE HANDBOOK

Motion, Wilkins; second, Seitz

Ayes-5; Opposed-0; motion carried

**RESOLUTION 108-21**

RESOLUTION TO PAY HOURLY EMPLOYEES WHO WERE UNABLE TO WORK DUE TO DUE TO THE FIRE IN THE BUILDING

Whereas, due to a fire at the Shelby town Hall on December 7, 2021, the Town Offices were closed for a period of three days; and

Whereas, the closure was at no fault of the employees of the town; Now therefore, the Town Board hereby resolves to grant any full-time hourly employee scheduled to work on December 8, 9, and 10 in the Town Hall, who were unable to work due to the fire, three additional paid personal days and approves the use of those personal days for the stated dates.

Motion, Bacon; second, Pratt

Ayes-5; Opposed-0; motion carried

Board Comments – Supervisor commended Dale, Rusty, and Jeremy with the really bad situation last week in the town building. They spent many hours getting office so it could be cleaned and be up and running on Monday.

Public Comments – Julie Wolter-asked if there was any comment on the state audit. Supervisor said it was on the website so she can read it.

Motion by Wilkins and seconded by Bacon the meeting was adjourned at 7:13pm.

Motion by Councilman Wilkins and seconded by Councilman Bacon to adjourn the town board meeting at 7:13 PM.

Respectfully submitted,

Darlene A. Rich, MMC/RMC  
Town Clerk