

**REGULAR MEETING – TOWN OF SHELBY**  
**4062 SALT WORKS RD., MEDINA, NY**  
**May 10, 2022 7:00PM**

**Please Note- We are now live streaming our meetings through Youtube. Please see townofshelbyny.org. Click on Youtube.**

Present: Jeff Smith, Supervisor  
Ryan Wilkins, Councilman  
Stephen Seitz, Sr. Councilman  
John Pratt, Councilman  
Eddie Zelazny, Councilman  
Darlene Rich, Town Clerk  
Dorothy Nolan, Deputy Clerk  
Dale Root, Highway Superintendent  
Dan Wolfe, Codes & Zoning Officer  
Kirk Myhill, Planning Board Chairman  
Claude Grimes, Constable  
Miranda Bennett, Bookkeeper

Others: Allan Bushover Patti Bushover  
James Zelazny Brian Murray Sr.  
Sharlene Pratt Timothy Laird  
Bill Eick- Orleans Co Leg.  
Lydia Lake Dave Strong  
Philip Keppler

Meeting was called to order at 6:55 PM

Pledge to the flag

Public forum regarding agenda items only – Two additions # 6 and # 7. Number 6 to appoint Dorothy Nolan and Number 7 redesignate Town of Shelby as lead agency in Borrego project

Presentation Borego Project Community Wind Project

Supervisor Smith recused himself as he has an interest in this project.

"Borrego summarized that the proposed community wind project is 2 wind turbines only, and that there is no electrical capacity to install any more. The electricity generated from the turbines will be consumed locally at a discount, typically 10%, under a program called 'VDER'. Currently, individuals and businesses can sign up to receive this discounted electricity in the form of credits. The Public Service Commission is expected to allow Towns to automatically enroll all residents under a program. Borrego recommends the Town of Shelby consider this as a way to guarantee that each Town resident receives the credits from community wind.

The Town will receive a Community Host Agreement, approximately \$200,000 per wind turbine for a total of \$400,000. The school district, County, and Town will receive payments under PILOT agreements. The project submitted is in accordance with the ByLaw. An informational flyer for Community Wind and suggested locations for visual simulations, presented to request any additional feedback from new locations were handed out. Anyone with questions are asked to contact [www.borregoenergy.com](http://www.borregoenergy.com). Lydia Lake explained the site.

Councilman Pratt asked how tall the turbine was going to be and how do you figure what the town and the people get. Wind turbine to the top of the tower will be 400 feet. The thing that has changed in the years is the blades. They have gone a lot lighter and a lot longer. So, from the top of the motor to the tip of the blade is an extra 240 feet, so the height of the structure is about 640-650 feet. Modern wind turbines where you use to have to build 5 or 6 now you only use 1 or 2. The blades spin a lot slower about 8 rpms. Money – what town gets. Town gets \$200,000 onetime payment up front or spread over time 15 year per turbine. Based on wind speed of the site and what we can afford with respect to the taxes and contributions to the town. What is unusual is renewable projects like this do not do what he was saying but because wind energy is the most economically attractive technology we have today. If we have the wind and you put a wind turbine up this project doesn't need state funding. We are not even getting state funding. A good project like this has extra funds that are allocated in the budget toward the towns. The reason is calculated by wind speed. A year of data is why he is confident. Councilman Zelazny roughly \$26,000 per year average depending agreement will be fixed amount. This cant be done on any other sites. One year of wind data can predict what you will be producing. Draft host community agreement. How long is the 10% savings? Depends on who you sign up with. Project will be guaranteed discount. District doesn't need state funding. Councilman Pratt asked about the 10% off bill did it include Power delivery. Do we just get 10% off the power? Folks have to sign up for community renewable energy. Borrego covering all legal fees so it lets the town off the hook. An escrow has been set up. Borrego pays all the fees and has set up an escrow. Unforeseen legal snags will be completely covered. Proposed photo simulations. Photo map proposing simulations, proposed some suggested location. See what it would look like from those places. Not putting turbines there.

Highway Report – (Dale Root) – Dale read his report. All trucks have had plows removed. Trucks and pickup trucks have been oiled to stop the corrosion from the winter. Have done some ditching with much more to do. Were able to obtain 12 loads of millings to pave the east side of Munzel Road this summer. Able to do a quick patch which seems to be holding up. All dirt roads have been graded with some material added. Will be working on them on June 1<sup>st</sup> at which time brine will be added for the dust control. All cemeteries, firehalls and parks, ball fields have been rolled to help in mowing. Most graves have been leveled and seeded. All cemeteries and parks have been mowed a few times. Three MEOs were sent to water school for continuing Ed. After several phone calls all street lights should be operational. With mother's day behind us pleased to say the new cemetery mowers did a great job .

Assessor Report – (Trisha Laszewski) – Thank the board for passing the resolution. And standing behind her in the decision to holding off on the assessment update until next year. She

is calling this three times a charm. Next year it's going to come whether we want it to or not. Also saw the resolution on the agenda to appoint Candy part time which she hopes passes only because she has worked with Candy for several years but with the past 7 years working with her a lot and she is a wealth of information and certainly a loss in the position that she had. And she hopes that resolution is passed. Change of assessment notices for anyone that had any additions to their properties or if there were any demos went out other than that just preparing for grievance day which is May 25 from 4-8 at the Ridgeway Town Hall.

Planning Board Report – (Kirk Myhill) – At last planning board meeting discussion regarding the planning board members taking the training on ethics of the planners, planning and zoning board. It is on the Orleans County website. It's on Youtube and about an hour to an hour and fifteen minutes. Also informed them that coming up on June 29 there will be a four-hour training in Albion by the State and also informed them if they were unable to make it there still is time on the Orleans County website to get their four-hour training in for this year. Some of them have already taken it and some have taken more and he stressed to them that if they took more than there four hours this year it will carry over into next year.

Code Enforcement / Zoning Board Report – (Dan Wolfe) – Has completed the 24-hour Dept of State training in April. Building permits are starting to come in. As you know I lost my clerk and I thank the board for considering Candy for just a few hours a month. Issued three building permits so far without her and really stumbled through the first one it as it's a program that he doesn't know but made his way through it. She will be missed and if the board sees fit, she will be coming in to help him clean up his job a little bit. Also thanked Bethany for the work for 5063 South Gravel Road for the demolition on that house. Got an estimate today to have it demoed and buried on site. He stopped at the fire hall tonight and talked with Dave Moden, Deputy Chief, and asked him to stop out there and take a look at it. We demoed one here in East Shelby a number of years ago that the fire dept. actually burnt but we had to have the shingles removed. He did say if we get the shingles off would the fire dept be interested in taking it down so they are taking a good look at it so working to bring that to completion. All mailings are out and nobody responded to his letter so guess the banks and parties in question aren't interested. So hopefully next month can get it down.

Councilman Zelazny -With the banks and owners not interested, who is going to take ownership of the properties? The counties will take over ownership, as taxes haven't been paid.

Councilman Zelazny-So then it will be off the tax rolls. Dan-Right and eventually in my opinion it will go to property tax auction.

Supervisor Smith-just to update everybody we have a shared service agreement with Ridgeway. John was on the interview committee and there is a new code enforcement officer currently serving Yates Ridgeway and the Village of Lyndonville and he will be starting as our code enforcement officer after the first of the year after Dan retires form a lot of years of good service. We are in a transition right now that's what going on.

Bethany Centrone, Esq.-Timeline Bridget gave said there would be a public hearing next month? Should add Number 8 to agenda to schedule public hearing for Borrego and there is no resolution on the agenda to schedule that for next month. Supervisor Smith said number 8 to add on agenda would be to schedule public hearing on the Borrego Community Wind project on June 14 before town board meeting at 6:15pm.

**RESOLUTION 57-22**

RESOLUTION TO APPROVE MINUTES FROM THE APRIL 12, 2022 TOWN BOARD MEETING

Motion by Councilman Pratt and seconded by Councilman Wilkins

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 58-22**

RESOLUTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING APRIL 19, 2022

Motion by Councilman Wilkins and seconded by Councilman Zelazny

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 59-22**

RESOLUTION TO APPROVE THE APRIL TOWN CLERK'S REPORT

Motion by Councilman Seitz and seconded by Councilman Wilkins

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 60-22**

RESOLUTION TO APPROVE THE SUPERVISOR'S REPORT

Motion by Councilman Seitz and seconded by Councilman Wilkins

Ayes-5

Oposed-0

Motion carried

**RESOLUTION 61-22**

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

General -	\$ 31,624.66	Highway -	\$ 78,452.22
Water 1 -	\$ 349.92	Water 2 -	\$ 4,366.24
Water 3 -	\$ 2,600.17	Water 4 -	\$ 2,782.71
Water 4B -	\$ 192.96	Water 5 -	\$ 16.08
Water 6 -	\$ 247.10	Water 7 -	\$ 225.79
Water 8 -	\$ 557.97	Water 9 -	\$ 112.56
Water 10 -	\$ 1,964.15	Water 11 -	\$ 96.48
Water 12 -	\$ 7,917.33		

Motion by Councilman Pratt and seconded by Councilman Zelazny

Ayes-5

Opposed-0  
Motion carried

**RESOLUTION 62-22**

RESOLUTION TO ACCEPT THE AUDIT OF THE 2020 TOWN BOOKS BY OUR CPA FIRM, ALLIED FINANCIAL PARTNERS.

Motion by Councilman Zelazny and seconded by Councilman Pratt

Aye-5

Opposed-0

Motion carried

Allied Financial acknowledges the town has reviewed the audit and has addressed the findings which were 2020-001 and 2020-002

**Resolution 63-22**

RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN A SHARED SERVICES AGREEMENT WITH THE ORLEANS COUNTY DEPARTMENT OF PUBLIC WORKS WITH AGREEMENT RUNNING FROM MAY 1, 2022 TO APRIL 30, 2027

Motion by Councilman Pratt and seconded by Councilman Seitz

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 64-22**

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO ACCEPT THE LOWEST ACCEPTABLE BID FOR REPLACEMENT OF THE SALT BARN ROOF

Motion by Councilman Wilkins and seconded by Councilman Zelazny

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 65-22**

RESOLUTION TO APPOINT CANDY KOCH-AS PART-TIME CODE ENFORCEMENT CLERK TO SERVE AS A PART TIME CLERK IN THE CODE ENFORCMENT OFFICE TO WORK NO MORE THAN 15 HOURS PER WEEK, AT AN HOURLY RATE OF \$15.02 EFFECTIVE MAY 10, 2022

Motion by Councilman Seitz and seconded by Councilman Wilkins

Ayes-5

Opposed-0  
Motion carried  
Councilman Zelazny- Will Candy work with Dan until he is through at the end of the year?  
Supervisor Smith said yes.

**RESOLUTION 66-22**

RESOLUTION TO HAVE ALL TOWN EMPLOYEES TO HAVE A MONDAY TO SUNDAY PAY PERIOD. CHECKS WOULD BE PAID ON WEDNESDAY FOLLOWING THE TWO-WEEK CYCLE.

Motion by Councilman Wilkins and seconded by Councilman Pratt

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 67-22**

RESOLUTION TO APPOINT DOROTHY NOLAN TO RECORDS COMMITTEE

Motion by Councilman Pratt seconded by Councilman Zelazny

Ayes-5

Opposed-0

Motion carried

**RESOLUTION 68-22**

RESOLUTION TO REAFFIRM THE TOWN AS LEAD AGENCY FOR THE BORREGO WIND PROJECT

Motion Councilman Seitz, Second, Councilman Zelazny

Ayes-4

Opposed-0

Abstain-Smith

Motion carried

This was something that was done last September and it passed and there has been a significant amount of time that has passed so we need to just reaffirm ourselves as lead agency for the project

**RESOLUTION 69-22**

RESOLUTION TO SET PUBLIC HEARING FOR BORREGO WIND PROJECT FOR JUNE 14, 2022 AT 6:15 PM WITH REGULAR TOWN BOARD MEETING TO FOLLOW

Motion Councilman Seitz, Second, Councilman Pratt

Ayes-4

Opposed-0

Abstain-Smith

Motion carried

NOTE- Discussion regarding the start of the regular town board meeting following the public hearing. It was decided that the town board meeting would start after the public hearing if the public hearing ran over 7:00 PM. If it does not, the town board meeting would start at 7:00 PM

Board Comments – See Youtube video under Town of Shelby Town Board Meeting

Public Comments – See You Tube video under Town of Shelby Town Board Meeting

Motion by Councilman Pratt and seconded by Councilman Wilkins to adjourn the town board meeting at 7:47 PM.

Respectfully submitted,  
Darlene A. Rich, MMC, RMC