

**Board Meeting
Town of Shelby
4062 Salt Works Rd. Medina, NY**

May 17, 2023 7:00pm

Please note: We are live streaming our meetings through YouTube. See www.townofshelbyny.org and click on the link.

Present:

Scott Wengewicz, Supervisor
John Pratt, Councilman
Eddie Zelazny, Councilman
Jeff Schiffer, Councilman
Jeff Clark, Town, Attorney
Kathleen Bennett, Attorney
Dorothy Nolan, Deputy Clerk
Miranda Bennett, Bookkeeper
Dale Root, Hwy Superintendent
Kirk Myhill, Planning Board Chairman
Dan Wolfe, Code & Zoning Officer
Claude Grimes, Constable
Michael Reese, Constable

Excused:

Darlene Rich, Town Clerk
Steve Seitz, Councilman
Trisha Laszewski, Assessor

Others:

Nicholas Reese	Sherry Wheatley	Jim Heminway
Brian Murray, Sr.	Marguerite Sherman	Keith Ward
Sharlene Pratt	Julie Wolter	Alan Bushover
Leona Weese	Bill Wolter	Christine Pask
Karrie Cronkhite	Mary Zelazny	Justin Gray
Todd Shervin	Mike Zelazny	Joy Waters
Steven Miller	Tim Elliott	Lawrence Waters, Sr.
Vernon Miller	Linda Limina	Gabrielle Barone
James Zelazny	Alana Koneski	

Called to order at 7:06 PM

Pledge to the flag

Public forum regarding agenda items only

Highway Report: (Dale Root)

Treated and stored plow equipment, mowers serviced before mowing roadsides, parks, vaults and firehalls. Had some burials, rolled the cemeteries, used the Harley Rake to fix roadsides from plow damage from this winter and assisted Town of Barre with shared services to clean their park. Three dirt roads were stoned and graded with dust control agent scheduled to be applied soon by Millenium Roads. Helped the Village of Medina with milling their streets, increasing our pile of millings in the process. We were able to save money paving our parking lot with shared service from the Village of Medina, The Town of Barre, Clarendon, Ridgeway, the County Highway department and Keeler Construction. We are fortunate to have a good rapport with all of them to get these large tasks done. Fixed watermain breaks on East Shelby Rd. and Salt Work Rd. Oil-water separator tank vac'd out by NOCO. Worked on policies and reporting with Rural Water and again, continued stacking of E-waste.

Assessor's Report: (Trisha Laszewski)- excused, however handouts regarding assessments were available.

Planning Board Report: (Kirk Myhill)

Farm Labor Camp applicant backed out. Went over Labor Camp guidelines with Code Enforcement Officer and Planning Board. Compiled a list of training and hours from the last 5-6 years for each member and asked they be reviewed and report any discrepancies at the next meeting.

Zoning & Code Enforcement Report: (Dan Wolfe)

Seven building permits were issued during April and May while ten violations letters sent since the 1st of the year with half responding with efforts. Upon inspection of 10234 Johnson Rd. it was deemed unsafe to the general public with rodent infestation and unfit for purposes for which it may lawfully be used for and placard placed in accordance with Local Law #1 of 1981. It was noted that the owner is also deceased and Board members were encouraged to visit the site. File including pictures were given to Supervisor Wengewicz. Annual Fire Safety inspection was completed for Western New York Energy and Air Products along with required Department of State training and an additional 28 hours of on-line training.

RESOLUTION NO. 38-23

RESOLUTION TO APPROVE MINUTES OF THE APRIL 11, 2023 TOWN BOARD MEETING

Motion by Councilman Pratt and seconded by Councilman Schiffer

Ayes- 4

Opposed- 0

Absent- Seitz

Motion carried

RESOLUTION NO. 39-23

RESOLUTION TO APPROVE TOWN CLERK'S REPORT

Motion by Councilman Zelazny and seconded by Councilman Pratt

Ayes- 4
Opposed- 0
Absent- Seitz

Motion carried

The Supervisor report for March & April were tabled again due to software issues. We are working with the company to get this resolved.

RESOLUTION NO. 40-23

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

General-	\$ 74,606.02	Water 6-	\$169.73
Highway-	\$ 33,691.42	Water 7-	\$259.84
Water 1-	\$ 354.29	Water 8-	\$127.06
Water 2-	\$ 22.59	Water 9-	\$52.71
Water 3-	\$203.16	Water 10-	\$37.65
Water 4-	\$90.36	Water 11-	\$45.18
Water 4B-	\$90.36	Water 12-	\$7.53
Water 5-	\$7.53		

Motion by Councilman Pratt and seconded by Councilman Zelazny

Ayes- 4
Opposed- 0
Absent- Seitz

Motion carried

RESOLUTION NO. 41-23

RESOLUTION TO APPOINT PART-TIME WATER CLERK BETH LONDON @ \$19.00/HR.

Motion by Councilman Zelazny and seconded by Councilman Schiffer

Ayes- 4
Opposed- 0
Absent- Seitz

Motion carried

RESOLUTION NO. 42-23

RESOLUTION TO APPOINT KATHLEEN BENNETT TO FINISH OUT THE TERM OF JEFF CLARK, TOWN ATTORNEY WITH CONTRACT OF THE SAME

Motion by Councilman Pratt and seconded by Councilman Schiffer

Ayes- 4
Opposed- 0
Absent- Seitz

Motion carried

Discussion: Attorney J. Clark spoke of his retirement and recommended colleague Kathleen Bennett from Bond, Schoeneck & King to replace him. She's been practicing law about 25 years with experience in Municipal Law, Land-use, tax assessment and Eminent Domain work.

RESOLUTION NO. 43-23

RESOLUTION TO AWARD CLEANING CONTRACT TO WHITE GLOVE CLEANING SERVICE EFFECTIVE MAY 1, 2023 – APRIL 30, 2024

Motion by Councilman Pratt and seconded by Councilman Zelazny

Ayes- 4
Opposed- 0
Absent- Seitz

Motion carried

Board comments – Councilmen Zelazny stated he spoke with the assessor for direction regarding the recent tax assessments. The board has limited control over the taxes but will do what he can to keep them from increasing.

Attorney K. Bennett mentioned the Assessor has the authority to re-valuate all property at 100% Fair Market Value based on the property value from July 1st of the previous year and looks at the condition and use of your property as of March 1st. This board cannot undo the Assessment Roll once it's been established by the Assessor but they can look at their spending and budget accordingly to make sure taxes stay in line with what they have been. If you do not agree with your assessment, you have the option to file a grievance and appear in front of the Assessment Review Board with evidence that you would not be able to sell your house for the assessed amount which, for Shelby residents, is Wednesday May 24, 2023.

Public comments – Village Trustee M. Sherman is following up with her e-mails to the board asking them to consider defraying the cost of a couple proposed basketball courts in Butts Park using the towns ARPA funds by possibly matching the Sports Boosters donation of \$13,200 but will take what they can get. She stated the kids have been playing in the streets since the Town School closed and is concerned with their safety. There were also concerns from the public with previous vandalism at the park and it was noted that the police routinely patrol this area. Supervisor Wengewicz took a poll with a show of hands to get a general consensus in which the majority was in favor of funding. She also noted the deadline for this quote was quickly approaching so they will be moving forward regardless of the outcome.

Mike Zelazny gave some insight on the assessment process and stated that the grievance process needed to be reformed.

Sherry Wheatley addresses the board with a proposal to purchase the old outhouse located at the West Shelby Cemetery with intentions of repurposing it as a tool shed for her while keeping it in the district.

Discussion: Highway Superintendent D. Root stated the building is not being used for anything.

Code Enforcement Officer D. Wolfe mentioned that it's owned by the town and he had no recommendations as he is not an attorney.

Lawrence Waters, Sr. raised concerns over the burn ban, brush & large appliance pick-up, wind turbine status and high assessments.

Discussion: Highway Superintendent D. Root mentioned we haven't had scheduled brush pick up since he's been here due to lack of man power.

Supervisor S. Wengewicz issued a reminder that large appliance pick-up can be done through the Waste Management Company if you call them, however, they must not contain freon.

Land-use Attorney K. Bennett addressed the wind turbine project as still in the review process and advised Board members to refrain from answering questions regarding this until we have all the information needed and finish the process as provided in the law.

Jim Heminway noted that Orleans County has the highest tax rate and cannot afford an increase based on the recent assessments with the potential increase from the Village and school also. The town has to keep its expenditures in line with its income level or it won't be able to sustain itself, especially with a shrinking population.

The board was also asked about researching other townships regarding the wind project and what their outcomes were and if we were using the same engineer firm as before since the SEQRA seems flawed.

Discussion: Attorney K. Bennett stated that she's been in contact with another Land-use Attorney that has handled several of these cases and has been given some recommendations and are in discussions about obtaining other expert information to assist in the process. She also mentioned the meeting will be opened to the public once they resume, however, it will be up to the purview of the board whether they allow public comments. The public was also encouraged to send in anything they feel the board members need to look at.

Motion by Councilman Pratt and seconded by Councilman Zelazny to adjourn the Town Board Meeting @7:50pm

Motion carried

Respectfully submitted,

Dorothy Nolan,
Deputy Clerk