

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

July 11, 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
Jeff Schiffer, Councilman
Eddie Zelazny, Councilman
Kathleen Bennett, Attorney
Darlene Rich, Town Clerk
Dale Root, Hwy Superintendent
Trisha Laszewski, Assessor
Dan Wolfe, Code & Zoning Officer
Claude Grimes, Constable
Dorothy Nolan, Deputy Clerk
Miranda Bennett, Bookkeeper

Excused:

Steve Seitz, Councilman
Kirk Myhill, Planning Board Chairman

Others:

Mike Rich	Linda Limina
Leona Weese	Sharlene Pratt
Christine Pask	Julie Wolter
Joy Waters	Larry Waters, Sr.
James Conway	

Called to order at 7:00 PM
Pledge to the flag

Public forum regarding agenda items only- two add-on's. Resolution for SEQR for new truck and resolution for Serial Bonds for new truck.

Highway Report: (Dale Root)-Cleaning up cemeteries trash cans, pouring grave stone foundations and had a few burials. Roadside mowing continues. Water flushing and ppm checks are performed. Cleaned up excavation sites at Creek Road and East Shelby Martin Road and Orleans Soil and Water hydro seeded all of the sites. Assisted

Clarendon, Barre and Ridgeway through shared services. Some machinery maintenance performed and have been out filling pot holes. Hoping to start grader paving next week. Mowed parks and firehalls. Today Suit Kote had time to seal Martin Road. Thanks to Carlton, Ridgeway and Kendall for your assistance. They were able to get the job done as we were assisting other towns. E-Waste stacking continues.

Assessor's Report: (Trisha Laszewski)- Recap on the reassessment project for 2023. The Town of Shelby has 2314 active parcels. Between informal meetings and the Board of Assessment Review meetings there were 252 reviewed. This number represents 10.9% of the total active parcels. The Board of Assessment Review normally works one seven-hour day on a reassessment year. This year the BAR worked 6 days for a total of 45 hours. They had 138 parcels to review between in person meetings and mail in requests. No change in value occurred on nine of those parcels. There were five days of informal meetings where she spoke to property owners regarding their new assessments. This totaled 114 parcels. Between May 15 and May 25, the assessment office received approximately 296 voice messages and she is proud to say all had a return phone call. Julie and her worked a total of 238.75 hours over their normal hours during the reassessment process. She stressed the process of valuing real property in New York State is clearly outlined in New York State Real Property Law. Although some would disagree with the process it is the process and she is bound to follow the law. If you have questions regarding the process, she hopes you ask those that know how the process works and not rely on information on those that disagree with the process. It causes much confusion.

Planning Board Report: (Kirk Myhill)-Excused

Zoning & Code Enforcement Report: (Dan Wolfe)- Report for June 2023. Had a slow month with building permits. He issued two. One for a deck and one for a pole barn storage. With free time he closed out a number of open building permits with a final inspection, a good number of them with one dating back to 2017 which was a single-family dwelling, he was able to close out with a certificate of occupancy, so the ones that were open he was able take care of and close them out. He sent out three violation letters in June for uncut grass, one violation was corrected. Earlier this evening he met with Fire Chief Dave Moden of the Shelby Fire Dept. They went up to 10234 Johnson Road. The Winters property and looked at it. He has spoken with the DEC. They gave him the green light to be able to burn the structure but the shingles are going to have to be stripped so he has been talking to Highway Supt. to see what they can do and there is a neighbor that might be able to lend a hand. They will see how they can accomplish that and get the shingles stripped and have the fire company take care of that structure. Just an FYI. Most signs require a sign permit that is issued by the Planning Board; however, some signs require no permit. Election signs are those types of signs. They are known in the zoning regulations as free speech signs, they are permitted. However, there are regulations regarding those signs. He is often asked before an election how long before a sign can be placed, there is no regulation in that regard. He tells the prospective candidates he gives them his advice, six weeks maybe 8-that's just from the code enforcement perspective, however the zoning regulations state that signs must be

removed 7 days following an election and he was happy to say all signs were removed within a few days after the election so with that he thanked all of the candidates, Dale Root, Bill Wolter, Justin Gray, Jeff Shiffer, Linda Liminia for their quick sign removal. He appreciates it very much. Supervisor asked Highway Supt. to let him know when they are going to burn the structure on Johnson Road.

RESOLUTION NO. 50-23

RESOLUTION TO APPROVE MINUTES OF THE JUNE 13, 2023 TOWN BOARD MEETING

Motion by Councilman Zelazny and seconded by Councilman Schiffer

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 51-23

RESOLUTION TO APPROVE TOWN CLERK'S REPORT (JUNE)

Motion by Councilman Shiffer and seconded by Councilman Pratt

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 52-23

RESOLUTION TO APPROVE SUPERVISOR'S REPORT (JUNE)

Motion by Councilman Zelazny and seconded by Councilman Schiffer

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 53-23

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

General-	\$ 25,082.66	Water 6-	\$ 36,519.35
Highway-	\$ 6,474.56	Water 7-	\$ 6,592.48
Water 1-	\$ 26,109.36	Water 8-	\$ 10,781.23
Water 2-	\$ 2,037.87	Water 9-	\$ 6,523.66
Water 3-	\$ 4,992.72	Water 10-	\$ 3,265.88
Water 4A-	\$ 19,538.58	Water 11-	\$ 4,353.15
Water 4B-	\$ 15,402.71	Water 12-	\$ 7,659.08
Water 5-	\$ 1,004.71		

Motion by Councilman Pratt and seconded by Councilman Shiffer

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 54-23

RESOLUTION TO PAY MEMBERS OF BOARD OF ASSESSMENT REVIEW \$20.00 AN HOUR BEYOND THEIR NORMAL HOURS OF WORK. THIS WAS THE EXTRA HOURS TRISHA TALKED ABOUT. (Note-This resolution was never voted on last month so it is a re-do)

Motion by Councilman Zelazny and seconded by Councilman Shiffer.

Pratt-abstain

Ayes-3

Opposed-0

Absent-Seitz

Motion carried

RESOLUTION NO. 55-23

RESOLUTION FOR SEQR FOR THE NEW TRUCK.

Kathleen Bennett, ESQ read the following resolution:

**RESOLUTION DETERMINING THAT PROPOSED ACTIONS
ARE TYPE II ACTIONS FOR PURPOSES OF
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

Introduced by Councilman Shiffer who moved its adoption, seconded by Councilman Zelazny.

WHEREAS, the Town Board of the Town of Shelby, Orleans County, New York (the "Town") is considering undertaking the purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including one (1) truck and related apparatus to be attached thereto;

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SHELBY, ORLEANS COUNTY, NEW YORK AS FOLLOWS:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(31) and no further action under the SEQR Act and the Regulations is required.
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Ayes
4

Noes
0

Absent
1-Seitz

Motion carried

RESOLUTION NO. 56-23

RESOLUTION FOR ISSUANCE OF A SERIAL BOND.

Kathleen Bennett, ESQ read the following resolution:

BOND RESOLUTION DATED JULY 11, 2023

**BOND RESOLUTION OF THE TOWN OF SHELBY, ORLEANS COUNTY,
NEW YORK AUTHORIZING THE ISSUANCE OF \$ 291,000 SERIAL
BOND TO FINANCE THE PURCHASE OF MACHINERY AND
APPARATUS FOR CONSTRUCTION AND MAINTENANCE**

Introduced by Councilman Shiffer who moved its adoption, seconded by Pratt.

BE IT RESOLVED by the Town Board of the Town of Shelby, Orleans County, New York (the "Town"), as follows:

Section 1. The Town of Shelby, Orleans County, New York (the "Town") is hereby authorized to purchase machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from any physical public betterment or improvement, the cost of which is \$30,000 or over, including one (1) truck and related apparatus to be attached thereto, at an aggregate estimated maximum cost not to exceed \$291,000.

Section 2. It is hereby determined that the aggregate maximum estimated cost of the aforesaid specific objects or purposes to be financed by the Town is \$291,000, and the plan for the financing the cost thereof shall consist of the issuance of \$291,000 in serial bonds (the "Bonds") which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law; PROVIDED, HOWEVER, that to the extent that any Federal or State grants-in-aid are received for such class of specific objects or purposes, the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of specific objects or purposes is fifteen (15) years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver Bonds providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this Bond Resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the

date of the Bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 11. This resolution, or a summary hereof, shall be published in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Supervisor, as chief fiscal officer of the Town, is further authorized to sell all or a portion of the Bonds to the United States Department of Agriculture, Rural Development ("Rural Development") in the form prescribed in one or more financing, grant or similar agreements (the "Financing Agreements") between the Town and Rural Development; to execute and deliver on behalf of the Town one or more Financing Agreements with Rural Development and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain financing from Rural Development for all or a portion of the costs of the expenditures authorized by this Bond Resolution, and perform the Town's obligations under its Bonds delivered to Rural Development and the Financing Agreements.

Section 14. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York and Section 35.00 of the Local Finance Law.

The Town Clerk is hereby authorized and directed to, within ten (10) days of the adoption of this resolution by the Town Board, post and publish a notice in the manner and form prescribed in Article 7 of the Town Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 7 of the Town Law, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

Motion by Councilman Shiffer and seconded by Councilman Pratt.

Discussion: Councilman Pratt-It always pains me to take and spend the town's money but its money from the taxpayers and some of our trucks are a little on the tired side and we need to keep up with keeping new blood in the fleet so to speak. The board was asked for permission to but two trucks and after some discussion we decided to see what one new one does to the fleet and go from there.

Roll call vote as follows:

Supervisor Wengewicz-Aye

John Pratt-Aye

Ed Zelazny-Aye

Jeff Shiffer-Aye

Deputy Supervisor Seitz-Absent

Motion carried

Board comments –

Councilman Pratt-He was under the impression that somewhere he had read 18 miles of road was done. In his mind the roads were done when the shoulders are put on and how many of these 18 miles have shoulders been put on. Highway Supt Root said all of them. Highway Supt explained the 18 miles was from the first 3 years. He has a paper from the state that calculates the miles that they get paid for CHIPS. When he finishes a road, he adds them up and it came up to 18 miles, they all have shoulders on them. He understands Councilman Pratt has one by his house that has a spot or two. When we do the other part of Martin Road, we can address it then. Councilman Pratt said it seems like there are a lot of spots on other roads that need shoulders but you're the Superintendent. Root said in three years this is the first complaint.

Public Comments-

Jim Conway-lives on Bigford Road in Shelby. Wondering if it is possible for the Town Board to allow four-wheelers to ride up and down the town roads in Shelby. Supervisor said there would have to be research done. He knows the state has regulations but did not know about the town and he would check with the County. Supervisor said he will see what can be done and get back to him.

Lawrence Waters Sr. -Wonders what the purpose is of the street light on Main Street in Shelby Center. Its not on a street corner, its right by the creek and shines in his bedroom window every night. He would like to get rid of it.

Councilman Zelazny said there is a program that was just approved for all street lights to be LED. Councilman Zelazny said to get the pole number and he will contact the person from National Grid.

He also asked about the Section of 63 South of Fletcher Chapel Road to Oak Orchard Ridge and if he knew what the plans were for that part of the road up to the swamps. He asked if they were waiting for the STAMP project to come through. Highway Supt... Root said they have been in touch with the DOT and when they paved it last year and the problem amidst from that is the power lines is federal land. And the Federal Government was going to change culverts on that road. New York State did not want them to pave the road and then cut it up when they finally got around to putting the culverts in. That stretch of road is controlled by the Federal Government with the Iroquois Refuge. Lawrence asked about the budget and assessments. He also asked about the Comptrollers Report and all of the findings over the past 5 years. He had a couple questions and Supervisor said he will get back to him. Lawrence also mentions Main Street is on an incline with a couple of heavy rains it takes the shoulder and washes it down to the creek. Is that one of the roads scheduled to have shoulders redone? Supt. Root said not at this point. He asked how do you get it on the list. Supt. Root answered he just did.

Linda Llinia-Had questions about the new truck. You said you are going out for a BOND. At one point you had mentioned grants. Did you get a grant? Were you approved or not approved? Are you with any other possible funding sources. Supervisor said Highway Supt applied for a grant from Claudia Tenney and we were not given the grant. So, there is no other outside funding. So, this is our only funding.

Sharlene Pratt-wondering how the water situation is going and if they are looking into getting a grant for the new water line. Just curious how that is coming. Everyone around them has water. Feels like she is being discriminated against. Supervisor said he was just briefing the board and the board approved going with a prior engineering firm we had. They are seeking grants through rural development and through NYS to work on 13. We gave them the go ahead to start putting the ProJet together. Finding out what we can do, what we have to do, so just waiting to hear from the engineering firm on that. As soon as we know you guys will know. She said it can't come soon enough; it's getting old.

Motion by Councilman Zelazny and seconded by Councilman Pratt to adjourn the Town Board Meeting at 7:45pm

Motion carried

Respectfully submitted,

Darlene Rich, MMC, RMC
Town Clerk