

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

Sept 12, 2023    7:00pm

**Please note:** We are live streaming our meetings through YouTube.  
See [www.townofshelbyny.org](http://www.townofshelbyny.org) and click on the link.

Present:    Scott Wengewicz, Supervisor  
              Steve Seitz, Councilman  
              John Pratt, Councilman  
              Ed Zelazny, Councilman  
              Jeff Schiffer, Councilman  
              Darlene Rich, Town Clerk  
              Dorothy Nolan, Deputy Clerk  
              Jeff Clark, Attorney  
              Claude Grimes, Constable  
              Dan Wolfe, Code Enforcement Officer  
              Miranda Bennett, Bookkeeper

Others	Michael Rich	Sharlene Pratt
	Alan Bushover	Leona Weese
	Karen Dillon	Linda Limina
	Julie Wolter	Bill Wolter
	Brian Murray Sr.	Gabrielle Barone
	Karen Jones	Alana Koneski
	Jim Heminway	Shaun Oberther
	Emilee Oberther	James Zelazny
	Rosanne Russo	Jim Conway
	Joy Waters	Lawrence Waters
	Katy Rich	John Parada
	Scott Carlton	Kelsi Nice
	Clayton Zelazny	

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

There is one add on- A Covid resolution

Highway Report: (Dale Root)-Helping other towns finish their season.

Continuing road side mowing, digging graves and had a few funerals. With help from the county all the shoulders using the millings from our piles on roads were grater paved -Johnson, Hoffman, Dunlop Oak Orchard Ridge, Tibbets, Sough Woods and Barber Road. They are ready to be sealed next year. Many of the trucks have been to outside shops getting necessary work down before we suit them up. Mowing the fire halls, parks pus water falls continues. The ditching on S. Couty Line is soon to be done. Six hundred ton of salt has been ordered and delivered.

Assessor's Report: (Trisha Laszewski- Excused. She sent the Supervisor an email which he read. She has been getting a lot of calls and questions regarding STAR checks. STAR checks that the governor has been talking about are only for property owners that are registered for the Star check program. On your school taxes if it says STAR you won't be getting a check. If it doesn't say STAR you would be getting a check.

Planning Board Report: (Kirk Myhill)-Excused

Zoning & Code Enforcement Report: (Dan Wolfe)- It's been a slow month. Issued two building permits. One was for a storage shed and one for a pole barn storage. He did issue a stop work order to a resident for a failure to obtain a building permit and that's being resolved as we speak. Happy to report that 10234 Johnson Road house that was condemned is now a pile of rubble. Fire Department could not burn it as they could not get all of the shingles off of it. Going to see if what is there can be burned. While they were doing that a pile of tires appeared. There were quite a few of them. The were out in the weeds. Working with Dale on this. Would like to condemn one house a year and make the town presentable.

### **RESOLUTION NO. 61-23**

### **RESOLUTION TO APPROVE MINUTES OF THE AUGUST 8, 2023 TOWN BOARD MEETING MINUTES**

Motion by Councilman Zelazny, and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

**RESOLUTION NO. 62-23**

**RESOLUTION TO APPROVE TOWN CLERK'S REPORT (AUGUST)**

Motion by Councilman Schiffer and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

**RESOLUTION NO. 63-23**

**RESOLUTION TO APPROVE THE SUPERVISOR REPORT (JULY)**

Motion by Councilman Seitz and seconded by Councilman Schiffer

Ayes- 5

Opposed- 0

Motion carried

**SUPERVISOR REPORT (AUGUST) NO REPORT-TABLE**

**RESOLUTION NO. 64-23**

**RESOLUTION TO PAY CLAIMS AGAINST THE TOWN**

General-	\$ 35,788.15	Water 6-	\$ 94.04
Highway-	\$ 41,173.02	Water 7-	\$ 203.50
Water 1-	\$ 63.62	Water 8-	\$ 30.42
Water 2-	\$ 4.53	Water 9-	\$ 10.54
Water 3-	\$ 141.45	Water 10-	\$ 7.54
Water 4A-	\$ 18.10	Water 11-	\$ 9.05
Water 4B-	\$ 18.10	Water 12-	\$ 1.51
Water 5-	\$ 1.51		

Motion by Councilman Pratt, and seconded by Councilman Zelazny

Ayes- 5

Opposed- 0

Motion carried

**RESOLUTION NO. 65-23**

**RESOLUTION AUTHORIZING SHELBY TOWN COURT TO APPLY FOR JCAP GRANT**

WHEREAS, the Shelby Town Court is requesting authorization from the Shelby Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle, and

WHEREAS, one required component of that application is a Resolution from the Town Board authorizing the Town Court to apply for this funding, be it

RESOLVED, that The Board of the Town of Shelby authorizes the Shelby Town Court to apply for a JCAP grant in the 2023-2024 grant cycle up to \$30,000.00. Motion by Councilman Pratt, and seconded by Councilman Schiffer

Ayes-5

Opposed-0

Motion Carried

**RESOLUTION NO. 66-23**

**RESOLUTION APPOINTING JIM CONWAY AS COURT CONSTABLE**

Motion by Councilman Schiffer and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

Town Clerk performed the Oath of Office to Jim Conway

**Proposed Local Law # 1 (Code of Ethics) -Tabled.** Will have a half way meeting before the next town board meeting or before the next town board meeting, will make an announcement about it. We are going to check the language on the SEQR and discuss at the next meeting and paragraph C in article section 15.

**TABLE THE RESOLUTION TO APPOINT JAMES ZELAZNY TO**

**PLANNING BOARD AS AN ALTERNATE-** If the Code of Ethics goes through he cannot be on the Planning Board

**RESOLUTION NO. 67-23**

**RESOLUTION TO RE-APPOINT SHARLENE PRATT TO THE BOARD OF ASSESSMENT REVIEW AS PER REQUEST OF TRISHA LASZEWSKI, ASSESSOR**

Motion by Councilman Zelazny and seconded by Councilman Seitz

Ayes- 4

Abstain-1 (Pratt)

Opposed- 0

Motion carried

**RESOLUTION NO. 68-23**

**RESOLUTION TO PROTECT INDIVIDUAL FREEDOME FROM MANDATORY MASK WEARING AND COVID VACCINE MANDATES**

WHEREAS, the Shelby Town Board upholds the individual freedom of each person with utmost respect, and

WHEREAS, the COVID mandates regarding wearing of masks and reception of vaccines is an affront to individual liberty, be it

RESOLVED, that the Town will not require the use of masks nor mandate COVID vaccines in the Town of Shelby, and be it further

RESOLVED, that the official copies of this resolution be sent to NYS Governor Kathy Hochul, NYS Senator Robert Ortt, NYS Steve Hawley, Orleans County Chair Lynne Johnson, and Orleans County Director of Health Paul Pettit.

Motion by Councilman Schiffer, Seconded by Councilman Zelazny

Ayes-5

Opposed-0

Motion Carried

Board comments –

Councilman Schiffer- Appreciates the people’s input. It’s really an education for him.

Supervisor -Tabling the law until the next meeting or until we schedule an emergency meeting regarding new wording paragraph c section 15 and the SEQR.

Public Comments-

Jim Zelazny- What about number 4 on the agenda regarding appointing Jim to the planning board. Supervisor explained that if they add the part to the Code of Ethics regarding belonging to a political party you cannot be an employee of the town.

Lawrence Waters-. Had a question for Councilman Zelazny. Did you contact NYSEG in regards to the light? Councilman Zelazny said he did and he discussed it with the Board and we decided to keep the light in and the lady I had been talking to said she would put a shield towards his house. They don’t want to impact the other neighbors, did not have any input from them so decided not to take it out. They are switching it to LED. All lights in the town are going to be switched to LED. There are like 58 lights and it should save \$5,000 a year on electricity. He asked the Supervisor back in April he had put together what I

believe was going to be a former request to the county for an increase in the sales tax revenue. Did you get a response from the county and what was that response. Supervisor said there was no response yet. He will be talking to him before the next meeting. The reason Lawrence brought that up is for budgeting purposes and with budgeting review coming up that would play a major role in the outcome. That potential 2024 budget- is there someone specifically assigned to that or are we just waiting for them to get around to it? Supervisor said he is waiting. Wanted to talk about the budget. He doesn't want to compare the administration to priors but there haven't been any workshops that he was aware of. Back under a different administration there were budgeting workshops set up. Is there a plan to do that? Where are we at with discussions with the budget? Supervisor said he is just getting the budget requests from department heads now; he will look at them and go from there. Lawrence asked how that will be communicated? Supervisor said he will work on the budget and when it gets proposed he will give it to the clerk, she will give it to the board at a special meeting. Then there will be a Public Hearing where you can speak regarding the budget. Lawrence Waters said they are all concerned for obvious reasons, school tax may have been flat due to reassessments. We are still staring at a tax increase and he is hoping we can find room somewhere to make some sort of adjustments without losing valuable services. As he watches home after home get put up for sale around him some of that very reason being for taxes. People just can't afford it right now. Wants to know where we are at on the whole Borrego timeline and what's going on with that. Supervisor said last thing that was done with this board was part of the SEQR. We need to start that over. He told Kathy Bennett we want Borrego to redo the height and visualize all the way around. He told her he wants a board member there when they do it and he wants a board member going to each location where they sent those pictures and to take picture at each location. He said they are actually not in a hurry to get Borrego going. If he starts the process now then we'll have to restart the process again after the election. I am just waiting until after the election because we will have different board members on it. He was not part of the process either. So, they can all learn together. Lawrence said he can appreciate that and I appreciate actually offering a response other than we are trying not to get sued or its confidential. Again, these things have a way of escalating under the radar then there's suddenly other questions that arise from that, you know how do we get to this point and by then it's too late. He just needs to feel confident that we got our eye on the ball and we are focused on the will of the voting and tax paying constituents of the Town of Shelby. Last thing he wanted to touch on and again this is not a personal attack. He is dipping back into the Comptrollers Report again under a different board at the time but there were some promises if you will from resolutions made of the advice of the

Comptroller's Office and primarily the Supervisor's responsibility for collecting money belonging to or due to the Town, maintaining complete and accurate accounting records and providing detailed monthly financial reports to the Board. Under some of the recommendations the response from prior board members again refers to the number of accounts have been decreased from 23 to 14 and by the end of the year to 7. Did we actually consolidate 23 GL accounts to 7 accounts? Supervisor did not have an answer but will get one. That was before him. Lawrence said he can appreciate the consolidation but to him that lowers a level of transparency, and things tend to become slush funds so again he is a fan of more detail than not. The other comment was a general ledger report is now given to the board monthly to view cash balances in the bank accounts as well as expense reports and so forth. Is this something that still continues to this day where each and every board member reviewing these things. The Supervisor report and when that occurs the board votes to approve. It's a matter of decorum he guesses it's just a feeling that did we actually review it, did we have questions, decide you discuss it in the room and then come out here and say we've already talked about this? Again, it's just a matter of transparency. Supervisor- What normally happens is the Clerk's report, Supervisor report goes out in an email to all the board members and if any board member has a question or if they question Darlene's minutes it is brought up and we talk about it and its settled before the meeting. Same thing with the Supervisor report. If anyone has a question they ask. If anyone has a question, we do explain everything. We give everyone a chance. Lawrence said he is not trying to be accusatory he is just stating what he sees sitting on this side watching what occurs and just curious if we strayed away from processes in the past that perhaps may have taken more time because maybe a more thorough review was being done and for the sake of time we only meet once a month so there is just a given fair amount of time to make decisions on things and with no public workshops we are kind of left in the dark and if you miss a meeting you might miss a lot. He and his wife try to make it a point to attend the meetings for that purpose. Karen Jones-Had a question regarding what Supervisor said about reaching out to Borrego and asking questions. First of all, she thanked him for that and despite the fact that he is new and you were not part of that process that you are jumping in being involved. Your statement about asking them to redo their height from 640 feet to what is her question, that the board requested, a specific number. Supervisor said they sent the original picture where you couldn't see the tower from any location, so he wants it redone. He wants a drone up there looking at each one of those locations and he wants a board member at each one of those locations looking at the balloon. Karen said one of her concerns at that meeting Mr. Waters referenced where we talked about original hearing with Borrego was that some of the locations that should have been included were not, for instances

there are no pictures directly from the school or the nursing home, or the hospital or the golf courses which matters from a tourism point of view because of shadow flicker and knowing the points they chose could be very particular where those were but the locations I just mentioned are all people that have no say and if I had a family member at Orchard Manor for instance I would want to know if there was going to be a shadow flicker across their window for even 25 minutes of every day. Supervisor asked her to get a list together for the current suggested spots, he is not sure how many he can get Borrego to do but he asked he to email him the list. She sent him 3 emails in August and they bounced back. Just wanted to make sure his email was working now. She said she will send the email to the clerk as well as the Supervisor. Supervisor said he is not sure Borrego will do that. But Karen said as Supervisor he can say he's got a balloon going up and drones at a few more locations that are public concerns. Supervisor said he will make an announcement or have Darlene put it on the website the day they are going to do it so you can watch from those locations. We will notify everyone. How many are part of the text message for the town? You should all be a part of that text message to give you alerts. The question Mr. Waters asked regarding financial reports and details, I appreciate his perspective because she also is somebody who likes to read and learn more that way and she also understands there are issues you just can't put on a website. One suggestion she had for the board was if you don't want to go back to work sessions which I guess meeting a month is a lot if you had a public meeting of your work session the hour before the meeting and the public could attend as a work session meeting we can't talk and then when you hash out the financial report and things like that we can hear it and then we can at least know and see that process of transparency of what your reviewing. Just like a school board meeting if there are things you have to discuss privately like personnel matters then you go into private session. I know there would be members of the Board here at 6 but I didn't feel like I could walk in. It felt private and that's the meeting they were having first, is just the board and I don't know if that's public meeting law or not. I think that it's not. But she is not a lawyer so doesn't know for certain but she does know that work sessions were a place where we could watch and listen to those things.

Sharlene Pratt- Has a concern regarding the Town of Shelby Facebook page. I think it's an excellent way to get emergency information out to the public. I like to see that. Last year during the storm we were updated to roads and weather. She thinks it is a very handy tool to have. However, she is very disappointed when she does go on the Face book page and see something that would be on someone's personal page like last week. To her it was nothing more than the highway report which she expects to hear at this meeting. And she also did not expect to see kudos to all of your employees. That's what they are paid to do. We don't need to



see it on Face Book. To her it was more of a political gain for some people. The other thing on Facebook was when you padded your bookkeeper actually was your office manager/bookkeeper for a decent job that she's doing, she should be doing an excellent job. Sharlene did not realize she was the Office Manager. Last she knew she was a bookkeeper / supervisor secretary. Don't know why you had to put that out there. I know you have used the Town of Shelby page for things other than town business and there is no comment back on the Town page Supervisor interrupted her saying the reason you can't comment now is the town was threatened to be sued because of bullying. Sharlene said there would not be any bullying if it was used for what it should be used for. Back in May before the primary election there was some downgrading of another councilman that was running and I think it got a little testy then. It's a public page for the Town of Shelby for emergency use only as a government page. If there was an accident and the road was closed, wires are down, it's nice to be aware of what is going on. She thinks it's a nice page and a useful tool if used correctly.

Linda Limina-has a question about the Supervisors report. She is looking for a little clarification on it. Apparently, the bookkeeper is not allowed to speak with anyone unless she has approval from the attorney so I am going to bring it up here. Am I to understand that this report is a list of all the bank accounts if it says checking and savings that means it is an actual bank account. Miranda said it is an accounting code. Linda asked for clarification. Miranda said it is where employees or elected official's payroll comes out of. Linda asked about the balance at the end of July is \$137,000 to the negative. Miranda said for some reason that is just how it posts on there in Williamson. She said it's not negative, the money is there. Linda said the report shows its negative and you all approved the report. Miranda said there is no balance, it is a washed-out account. It's just literally where the money goes to come out of for employees and comes out of different accounts for payroll. She said it is not an actual account that is used if there is no money. Miranda said there is no money in it, it is a zero account. Linda said if the general public is looking at that report how are they to know which one is the actual balance. Miranda said it is the report that is allowed by NYS to give out to the public. Miranda said she is still working with the Williamson software to get everything fixed that why it's taking a while to get all the reports. Linda asked if the report is showing a negative balance on a couple of accounts does the board know what the real balance is in your bank accounts if this is not correct do you all know what the balance is? Miranda said that is not a bank account, none of them are physical bank accounts. They are all accounting program numbers that go with NYS. Those are not checking accounts; they are accounting codes. The 3.6 million showing is all spread out. Linda asked after having reports show up late for software reasons she went back and looked at the audit from Allied our

Independent Auditor, also from the Comptrollers report and there was suggestion of a policy written that bank accounts are reconciled in a timely fashion and signed off by someone on the board. She asked if that policy is in effect and is it being followed? That's what the supervisor report is- Its money to report. Miranda said you have to balance the checking accounts to do the Supervisor report. It won't let you do a supervisor report unless it is at a zero balance. Linda said are accounts being done in a timely manner and being reviewed and signed off by the board. Supervisor said he checks the supervisor report.

Jim Zelazny- had a question about his appointment to the Planning Board as alternate and why it was tabled or he can't be appointed. Local law hasn't passed yet. Has to be tabled. It needs to be discussed. Because he is on the committee means he can't be appointed. Supervisor said if that paragraph is put into the law you would have to decide if you want to be on the committee or the planning board. James said he has been going to planning board meetings for 15 years and board meetings for 7-15 years. They were looking for an alternate and Kirk Myhill asked him a couple months ago if he would be interested so he put his name in. It was discussed before the meeting and so it was brought up out here. If Jim was appointed now, would he be grandfathered in?

Linda Limina- asked if you would consider putting the workshops back in session. I think that helps to eliminate a lot of confusion on these nights because anything you're voting on or talking about; we would have already heard all the discussion around so it makes things sound a little easier for the public if we've heard what you hear. Ed- Agreed with that also.

Scott Carlton- had a question about grievance. He said people could come if they wanted to file a grievance. Now the process is done and he can see other residents around him that are below probably what they would sell their house for. He said there should be another step. He wants to know what the grievance process is. There are people in this town are not near what they would sell their house for. Now does he have to wait until the next reassessment. Supervisor said the state does the assessments. Trisha puts the information into the computer.

John Pratt-agree with Linda Limina that workshop meetings should come back and that would promote transparency in the town and what the towns people are looking for.

Larry Waters-cluster of information in defense of the report he just heard is the exact reason he is terrified for next year's budget. It was not a valid explanation per that document. That document is null and is a document that should not be approved. It does not reflect actual accounts or accounting. I am not saying everyone has to have a degree in finance but he thinks we need to have some humility and say hey look, I don't know what the hell I am looking at here. One of the items on the comptroller audit report was for the training classes and to attend

these classes. Supervisor said he is registered to take a class. He did not know if Miranda was.

Jim Hemingway-He is on a board of directors and has a meeting coming up. He printed off his reports and if a report came through that he couldn't read like he just heard he would lose it. If he could not read it and what kind of financial situation the company was in and he has to sign on it that would be a bad day. So, whatever you can do to get that straightened out. He did not hear any explanation that would make him feel like what the documents are explaining anyway. What the fiscal situation is and just like Larry said about the taxes, I am sure just about everyone sitting here they've gone up, and I'd like a better explanation not only from the Town of Shelby, School board and the Village of Medina. Why? I'm on a fixed income. How much longer can he afford to have continued increases in taxes. Back to the assessment issue, a lot of the assessment was done during the peak of people paying way more for homes and they should have and now I've still got Zillow and watch that and see decrease after decrease in asking prices for those homes. So, we made assessment based on the peak and now its dropping down but I don't see anywhere but the taxes are going to change so I have to agree that it really needs to be more transparency in terms of fiscal situation here at the town to add more assessments. Supervisor agreed it was done at the wrong time.

Sharlene Pratt-How is water line coming? Jason Foote ,CPL firm doing a study on the water. Waiting to hear back from him. It's an ongoing thing. Sharlene said she will check next month

Motion by Councilman Zelazny and seconded by Councilman Seitz to adjourn the Town Board Meeting at 8:28pm

Motion carried

Respectfully submitted,

Darlene Rich, MMC, RMC  
Town Clerk