

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

February 13, 2024 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
 Edward Zelazny, Councilman
 Jeffrey Schiffer, Councilman
 Linda Limina, Councilwoman
 Kathleen Bennett, Town Attorney
 Darlene Rich, Town Clerk
 Claude Grimes, Constable
 Miranda Benett, Bookkeeper
 Kirk Myhill, Planning Board Chairman
 Daniel Wolfe, Code Enforcement Officer
 James Conway, Constable

Excused: Stephen Seitz, Councilman
 Julie Cecchini, Assessor

Others: Betty Grimes Jim Rogenmoser
 John Parada Paul Henry
 S. A. Carlton Mike Rich
 Leona Weese Steven Shewan
 Barb Daluisio Sue Knights
 Lorraine Limina Gabrielle Barone
 Alan Bushover James J. Zelazny
 Bill Wolter Julie Wolter
 Sharlene Pratt John Pratt
 Gavgn Snook Cheryl Holt
 Michael Holt Maureen Macloud
 Joy Waters Larry Waters Sr.
 Marguerite Sherman Karen Jones
 Darlene Scharping

Called to order at 7:00 PM

Pledge to the flag

There is one last minute add on -advertise for lawn mowing contract
Resolution to approve and introduce a local law and schedule a public hearing for 11697
Sanderson Rd for amendment in zoning.

Public forum regarding agenda items only- no one

Old Business-Supervisor said he hasn't forgot about the ARPA items. He said it's almost done and will put it on the website.

Highway Report: (Dale Root)-Read his report. Some of the highlights were: Signed and delivered snow and ice contract to NYSDOT. Clerks' office-installation of the security wall finished. Fixing pot holes and shoulders, and mailboxes. New loader has arrived, fenders installed and a coat of wax applied. Leaky valve was repaired on West Avenue Ext. with the help of the village. Responded to flooding January 26 at West Ave. and 31A. He thanked all who have been responding to his request on water pipes coming into your house. It really helps them out to comply with the state mandate on this. Tabeing his procurement request for funding for a new trailer, as some had questions on the topic, he has waited for a month for anyone to call or stop by. No one has reached out to discuss this with him. So, he assumes tonight the board will take this request off the table and vote it up or down as no more discussion is needed. He said the money is in the budget approved by the board. He said the board's job is to ask questions they may have and approve funding for funds that are available but it's not their place to spec it. There won't be any problem having discussion on the topic in the future but you need to vote on this tonight so we can move forward.

Assessor Report: Julie Cecchini-(Excused)- report read by Town Clerk. The Assessor's Office has been receiving exemption renewals that were sent out the first of January. All exemptions, new or renewals need to be back to her officed by March 1.

Planning Board Report: (Kirk Myhill)-He and one other member did the two-hour webinar training last month. Certificates were put on file. Worked on project on Sanderson Rd (the old LAPP building). Would like to see it rezoned from Ag Residential to General Business as right now its up for sale and it's listed as an industrial property and it is really not industrial. Its Ag Residential so the recommendation to the town board is to have it rezoned to General Business. Had a preliminary discussion on a sign proposal that will be going up on the corner of Salt Works Rd. and Maple Ridge Rd. Dan will be getting ahold of the applicant and give him the information.

Zoning & Code Enforcement Report: (Dan Wolfe)- Thanked everyone in the Town of Shelby offices for their condolences in the loss of his daughter. His wife, himself and his granddaughter thank everyone ever so much. The kindness expressed to him at this time is appreciated more than you will ever know. He attended the Department of State Code Enforcement twenty-four hour training course in Williamsville. He remains certified by the Department of State. He

issued one building permit in January along with a variance that was attached with it. He has been busy with violations. He issued fourteen violations notice of apparent violation order to remedy. These included mostly unlicensed vehicle. There are some with exterior property areas we were not kept in a clean safe sanitary condition. One was for operating a junkyard without a special use permit. He has one coming into court with an appearance ticket next Tuesday. He will be going on vacation in March for a few weeks.

RESOLUTION NO. 17-24

RESOLUTION TO APPROVE THE MEETING MINUTES OF DECEMBER 12, 2023

Motion by Limina and seconded by Schiffer

Ayes-4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 18-24

RESOLUTION TO APPROVE YEAR END MEETING MINUTES DECEMBER 28, 2023

Motion by Zelazny and seconded by Councilman Limina

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 19-24

RESOLUTION TO APPROVE ORGANIZATIONAL MEETING MINUTES JANUARY 9, 2024

Motion by Limina and seconded by Schiffer

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 20-24

RESOLUTION TO APPROVE TOWN BOARD MEETING MINUTES OF JANUARY 9, 2024

Motion by Zelazny and seconded by Councilman Schiffer

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 21-24

**RESOLUTION TO APPROVE THE SPECIAL MEETING MINUTES JANUARY 16
(VOTE ON UNION CONTRACT)**

Motion by Schiffer and seconded by Limina

Ayes- 4

Opposed- 0

Absent-Seitz

Motion carried

RESOLUTION NO. 22-24

RESOLUTION TO APPROVE THE TOWN CLERK (JAN)

Motion by Limina and seconded by Councilman Schiffer

Ayes- 4

Opposed-0

Absent-Seitz

Motion carried

Resolutions for Supervisor Report for November, December and January- Supervisor and auditor are working with Williamson software to close 2023. They need to get November and December done to close out the year and then they can work on January. It should be done before the next meeting.

RESOLUTION NO. 23-24

RESOLUTION TO APPROVE TO PAY CLAIMS AGAINST THE TOWN

Motion by Schiffer, and seconded by Zelazny

Discussion- on invoices Limina asked who Joe Horvath was. Bookkeeper said it was for a water claim that had to be reimbursed. She asked about Verizon connect. She wondered if it was the Town cell phones. Bookkeeper said it was the GPS tracking system. She also did not see a cell phone bill or health insurance bill in the invoices today. Bookkeeper said health insurance renews at the end of the year. Liability renews in April. Limina asked when the last time insurance went out to bid. Bookkeeper said it was 2 years ago. We got the lower rate through Tompkins. Tompkins outsources to see who can give the best deal and that's how they ended up with NYMIR which most towns have because it's a municipality insurance. She said Dan and Dale are the only ones that have cell phones from the town. And that bill is the same bill every year as they have a contract with us so it's the same amount each month so it doesn't change. Its \$110 a month. There was a question of a snowblower. Dale said it was purchased because they were cleaning up in the back, so when we do the front of the building and the sidewalk, we bought a snow blower to have to make it easier on the MEO's. Councilwoman Limina is asking if a bill has to be split between 2 separate departments could there be a copy of the invoice with the voucher so it would be easier to understand in each department. At the organizational Meeting it said we were paying the highway Deputy Supt. \$500. He got paid for 2 years together. Bookkeeper said it is for 2023 and 2024. Zelazny asked about Sunrise Door. Highway Supt. said in the summer there was an MVA where a car hit the door. A claim was filed, we had it paid and then we had to order the parts. It was fine the way it was and then Sunrise came when they had time once the parts arrived so there was no charge to the town.

General	\$ 58,342.22	Highway	\$ 66,257.88
Water 1	\$ 7,356.14	Water 2	\$ 30.65
Water 3	\$ 332.79	Water 4A	\$ 102.16
Water 4B	\$ 102.16	Water 5	\$ 10.22
Water 6	\$ 5,664.75	Water 7	\$ 51.018
Water 8	\$ 51.08	Water 9	\$ 61.30
Water 10	\$ 40.87	Water 11	\$ 51.08
Water12	\$ 102.16		

Ayes-4
 Opposed-0
 Absent-Seitz

Motion carried

RESOLUTION NO. 24-24

RESOLUTION TO RE-APPROVE THE UNION CONTRACT AS WRITTEN, NO SUBSTANTIAL CHANGES, ONLY SPELLING AND GRAMMAR CORRECTIONS.

Motion by Limina, and seconded by Zelazny

Ayes-4
 Opposed-0
 Absent-Seitz

Motion Carried

RESOLUTION NO. 25-24

RESOLUTION TO ADVERTIZE FOR LAWN MOWING CONTRACT

Motion by Zelazny and seconded by Limina

Ayes- 4
 Opposed-0
 Absent-Seitz

Motion carried

RESOLUTION NO. 26-24

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHELBY-PROPOSED ZONING LOCAL LAW AND ZONING MAP AMENDMENT

Motion by Schiffer, seconded by Limina.

Supervisor read the resolution:

Proposed Zoning Local Law and Zoning Map Amendment

WHEREAS, pursuant to Municipal Home Rule Law Section 20(4), Board Member, Supervisor Wengewicz has introduced for consideration Local Law No.1 of 2024 entitled “A Local Law Amending Certain Provisions of the Town of Shelby Zoning Local Law and Zoning Map” (the “Proposed Local Law”); and

WHEREAS, the purpose of the Proposed Local Law is to amend the Zoning Map of the Town of Shelby, Orleans County, New York (the “Zoning Map”) to revise the classification of

11697 Sanderson Road, identified as tax map no. 91.-1-16 from its current classification of Agricultural/Residential (A/R) District to General Business (GB) District; and

WHEREAS, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617, and Section 239 of the General Municipal Law, with respect to this proposed amendment to the Zoning Map; and

WHEREAS, the Town desires to comply with the requirements of the New York State Town Law and shall schedule a public hearing to be held to allow the public to comment on the Proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby declares its intent to serve as lead agency for purposes of a coordinated review under SEQRA of the Proposed Local Law; and

BE IT FURTHER RESOLVED that the Town Board hereby preliminarily classifies the Proposed Local Law as an Unlisted Action under SEQRA, and the Town Board hereby directs the Town Clerk to send Part 1 of the Short Environmental Assessment Form and the Proposed Local Law to all interested agencies to request their comments thereon; and

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Proposed Local Law to the Orleans County Planning Board for its review pursuant to General Municipal Law Section 239; and

BE IT FURTHER RESOLVED that the Town Clerk shall refer the Proposed Local Law to the Town of Shelby Planning Board for its review and report thereon pursuant to Section 112(C) of the Town’s Zoning Law; and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing to receive comments about the proposed amendment on April 9, 2024 at 6:00 pm; and

BE IT FURTHER RESOLVED that the Town Clerk shall cause notice of such public hearing to be published in the official Town newspaper in accordance with all legal requirements.

Discussion- Code Enforcement Officer explained the Ag Business-verses Ag Residential. He said fifty years ago it was Lapp Express which was a truck terminal. It is zoned Ag residential and asking it to be changed to General Business which would allow for more permitted uses. Agriculture uses is permitted in a general business district. So in all the zoning districts in the town of Shelby you can still plant corn, the only thing not permitted in an industrial district is one and two family dwellings.

Roll call vote:

Scott Wengewicz	Voting- Aye
Linda Limina	Voting -Aye
Ed Zelazny	Voting -Aye
Jeff Schiffer	Voting- Aye
Stephen Seitz	Absent

The resolution was thereupon declared duly adopted.

MOTION TO REOPEN THE RESOLUTION TO PURCHASE A NEW TRAILER AS IT WAS TABLED AT THE LAST BOARD MEETING

Motion by Schiffer and seconded by Wengewicz

Discussion-Limina asked if all of the MEO's could drive the truck and trailer. Dale said he and another person. Classes could be taken in the spring at Genesee Community college, adult education for the MEO's. Limina had concern over voting after last meeting after discussion about tabling it and do you want to do that with a missing board member. Limina said she did not want to vote until Steve was there as he had some reservation at the last meeting and thought it would not be fair if he could not vote. Dale said he did not want to wait another month. Schiffer said he has waited long enough and has explained it to them a million times and is ready to vote yes. Supervisor said we can call a Special meeting in a week for this resolution. Zelazny asked for final specs as he has had several sent to him.

RESOLUTION 27-24

**MOTION TO TABLE TRAILER FOR A SPECIAL MEETING AS SOON AS POSSIBLE.
(Supervisor will call everyone in the morning)**

Motion by Limina, seconded by Zelazny

Discussion-Zelazny asked what time. Supervisor said night between 5-7

Ayes- 3

Opposed- Schiffer

Absent-Seitz

Motion carried

Board comment-Limina- Request we get a copy of the MRB engineering report regarding water study that was done back in 2019. With everything happening with Royalton water project it would be hard to make a decision on that without seeing a study that was done. Linda made a motion to contact MRB and get a copy of the report. Supervisor said he is still searching through 2019, 2020 and 2021. But Limina said she would like the resolution in place just in case we don't have anything instead of waiting for another board meeting.

RESOLUTION 28-24

RESOLUTION TO REQUEST THE WATER STUDY IF NEEDED, THAT WAS DONE BY MRB REGARDING ROYALTON WATER PROJECT

Motion by Limina, seconded by Zelazny

Discussion-Zelazny-Town taxpayers paid upwards of \$19,000 for this so it is a good idea that we find out what is exactly said so we can make an educated decision on what we are doing. Supervisor agreed. All in favor of contacting MRB in the result the Supervisor can't find the reports in the files.

Ayes-4

Opposed-0

Absent-Seitz

Motion carried

Supervisor read and answered the questions this week that he received by email.

1. What happened in regards to the Town of Royalton water project? Town of Shelby, Town of Royalton and Niagara Water authority are working on a water contract at this time.

2. Are any town of Shelby residents receiving water from Royalton at this time? Town of Shelby and Town of Royalton are conducting pressure tests on the supply lines.

3. Has anyone reviewed the previous engineering reports done by the previous supervisor? Supervisor is in the process of searching that with the file cabinets in his office. If we don't find it, we just voted to get a copy from them.

4. You had previously said you were in talks with the Village of Medina adjusting the water rates. Where are we on this? The Village of Medina and the Town of Shelby are discussing the water rates at this time and talks are ongoing. We have another meeting February 20.

5. Do the balloons show the entire height or do they show its base not including its actual blades? Does it include the pedestal it will sit on at the top? From what Supervisor was told, the balloons were at the height of the top of the blades.

6. When does Borrego plan to provide the computer-generated display based on the pictures taken today from the balloons? Supervisor had no information if they even took pictures or if they will be providing those pictures. He expects that they took pictures. The town requested that those balloons would go up so everybody could see what the height of the windmills were going to be.

7. When will they present that to the public? Supervisor had no information on that. He would think that's once the town starts up the process again with the windmill meetings.

Zelazny- had question on pressure test on the supply lines. Is that at the west end of the town border and Royalton or is it all the way through the town. Dale answered saying they have come down as far as Shelby Basin and they opened it up at 63 to check and then shut it back off and to Ryan almost to 63 and shut it back off to test and then up to West Shelby just to see where its going to go and what the pressures might be. Zelazny said as this was going on no pumps were assisting from the village, they were all disconnected, the only source of pressure you had was from Royalton. Dale confirmed. Limina said people using the water once it is on must somehow reduce some of the pressure. Dale said no, that everyone pressure regulator valve in their house is anywhere from 40-45 pounds and coming into the town at 110. No concern of anybody's pressure being deleted. He also said the town has 3 pumps.

Public comments-Steve Shewan-Asking everyone to wait and keep eye on technology. He is asking to vote no for the turbines. With the turbines everyone saw the balloons. They are high and so close to the village of Medina. He said technology may solve the problem for us and be the answer to the turbines if we wait. All parties may actually get what they want. He is asking to vote no at this point or table it and keep an eye on technology.

Barb Dalusio-Agrees with Mr. Shewan on the turbines. Thinks we should wait. She lives within 1 mile from where her house is, they would be in her front yard. Friends and neighbors don't want it. It not only effects Shelby but also the village. They are getting a petition to see who does not want it. If we show overwhelming opposition, will it stop the process? How will the town benefit from this? She thanked the board for all that they do.

John Pratt- observation when looking at the balloons. There was a slight breeze. Looking at steam coming out of the ethanol plant steam, was going north to south so where balloons where they have a 633-foot tether on them they would be a little higher and closer than they were but that was mother nature and can't help that. Water coming form Hartland- what about the rest of the townspeople and the people that don't have it. Last he understood a grant writer was seeing if they could get money for this project. There has been \$500 million and then some \$325 million this year that the state of New York has for these projects. He is wondering if they can get some of the money that Hochul is going to be giving out so they can get water to everybody in the town. Would like to see the town take care of everybody with water.

Karen Jones-Thanked Supervisor for answering her questions that she emailed. Thanked the town for getting the balloons. Hoping they can get pictures. The pictures that were shown in 2022 did not have the pictures she had indicated, hospital, school, tennis courts, golf course. Shadow flicker is something that would matter in those places. A lot of people have petitions and they are collecting them all in one place and logging them in alphabetical order. Another meeting this Thursday at Lee Whedon library at 7PM. Meeting is just to share how they feel about it and get a signature. She doesn't feel the town went looking for this. New members, full board start over, review and start fresh because that environmental impact study showed one mile radius of the farm itself. its not accurate. When you pick up the project again hope they have all the pieces and not just the company that wants the project.

Larry Waters Sr. –Water-Service charge why? What is it for, where is it accounted? Is it stored in the general funds? Town making a profit on the water. Who pays for spilled water when there is a break. Checking for lead pipes. Why wasn't this noted. Who pays for remediation if they are lead pipes. Flooding on 63 near Oak Orchard Ridge Rd. NYSDOT flashing lights and signage. Town light bill, are the substantially lower? Zelazny hasn't received a report from National Grid. Zelazny will get back to him. Workshops- Has town considered where public could witness and be a part of the decisions?

Supervisor said they are working on the grant with Jason Foote on the water. The last light bill we received has not gone down so don't know if it hadn't taken affect yet. Workshops will be once a quarter. So, it will be this quarter. Just haven't scheduled it yet. Water leaks-Medina bills for it the town pays for it. That's part of what the service change is for. The town has to eat it because nobody is buying that water. As a whole service fee going into for pipe repairs, maintaining our pipes and if we have to flush lines the town has to pay for that. Medina doesn't give us a break on that. We pay full price on that water whether it's a spill in the pipe line or flushing lines. We have to flush lines. They are coming up with a proposal on water rate and see if they will accept it.

Kathleen Bennett, Attorney-Windmill projects and she appreciates everyone's comments and hope that they continue to be active and participate as we work through the process. Since there is an application in front of the board, the board will have to go through the process. The board will restart the SEQR process and basically as you said that everybody on the board is new so we are going to approach it as if we are starting the project review from square one. But we do have to go through that process and one of the things that the board will discuss is bringing on an engineer to help get through that process. An engineer that represents the town as opposed to an engineer that represents the applicant. So, she is going to talk to the board about making that happen.

Motion by Schiffer to go to executive session for a personnel matter second by Limina at 8:21 PM. Discussion-Zelazny asked where they were doing Executive Session. Supervisor said it's in the conference room. Zelazny said he has been told by multiple people in the town that there is audio throughout the whole building. If we are going to Executive session, we shouldn't be audio taped or anything so I hope there is no tape going at Executive session. Supervisor said the only audio-video camera in this building is in the town clerks counter and they are going to be on a teleconference with a labor lawyer. Executive Session closed at 9:47 PM.

Motion be Limina and seconded by Zelazny to adjourn the Town Board Meeting at 9:50pm

Motion carried
Respectfully submitted,

Darlene Rich, MMC, RMC
Town Clerk