

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

June 11, 2024 7:00 pm

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

Present:

Scott Wengewicz, Supervisor
Linda Limina, Councilwoman
Jeff Schiffer, Councilman
Steve Seitz, Councilman
Eddie Zelazny, Councilman
Kathleen Bennett, Attorney
Pamela Henry, Deputy
Dale Root, Hwy Superintendent
Julie Cecchini, Assessor
Claude Grimes, Constable
Jim Conway, Constable

Excused: Darlene Rich, Town Clerk (Tax Collection Conference)
Dan Wolfe, Code enforcement Officer

Others:

Mary Zelazny	Julie Wolter	Joy Waters	Larry Waters
Diana Baker	Paul Curtin	Jayson Wills	Alana Koneski
Jim Heminway	Marguerite Sherman		Paul Henry
LeAnn Phillips	A. Bushover	George Phillips	Leona Weese
Yonic Parada	Richard Fry	Scott Carlton	Brian Murray Sr.
John Pratt	James Zelazny	Richard Keppler	Karen Curtin
Lorraine Limina	Alex Benz	Jason Beyer	Gabriella Barone

Called to order at 7:03 PM

Pledge to the flag

Public forum regarding agenda items only

John Pratt asked why adopt a FOIL Policy when NYS already has one. Response was that all towns need to adopt their own version of the policy that governs it. Policy complies with the NYS Law.

Highway Report: (Dale Root) Department engaged in roadside mowing for the past month. Assisted the Village of Medina with the milling of the streets and hauling blacktop for them. Thank you, Somerset, for use of their Hot Box. Weed spray around hydrants was performed. Drainage assessment on Furness Pkwy was done. Painting on Town building is ongoing. Assessed flag pole at the Millville Cemetery. It will be repaired and a solar light will be installed on top. We will also put a light on the flag at Mt. Pleasant Cemetery. Attended Highway School in Ithaca earlier this month. Had 3 funerals in past month. C.J. continues to flush and check ppm's.

Assessor's Report: (Julie Cecchini) Grievance Day was May 29th, 4 residents showed up sum total of 7 parcels included. Final tax roll numbers on July 1st. Until Labor Day the Ridgeway Assessors office will close at 1:30 on Friday.

Planning Board (Kirk Myhill) None

Code Enforcement (Dan Wolfe) None

RESOLUTION NO. 61-24

RESOLUTION TO APPROVE TOWN CLERK REPORT (May)

Motion by Seitz and seconded by Limina

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 62-24

RESOLUTION TO APPROVE MINUTES OF THE MAY 2024 TOWN BOARD MEETING

Motion by Schiffer and second by Seitz

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 63-24

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

All bills except Toshiba and Williamson which will be looked at and determined at a later date.

Motion by Seitz and seconded by Zelazny

Discussion: Limina had a couple of questions. The Toshiba bill looks like it is for the copier but there are two bills that are from Nov. and Dec. 2023. And then there was an April one. Another one was from Williamson Law for a support agreement. Are we planning on paying for it before we have things resolved with them? Limina said it was for \$2100.00 and she understood that we were not going to be charged until everything was resolved. Supervisor said he will look into it. Limina said it is an annual agreement that started June 1, 2024-May 31, 2025. Supervisor said he will look into it tonight. Limina also stated there is only the front page of the Verizon bill that shows just the total due. She asked if going forward they get the whole invoice so they can see the entire bill. Will hold off paying the Toshiba bill and Verizon bill until we have answers. Supervisor said he knows that Toshiba could not get the readings and Darlene was not getting the email to send to them to get the readings. For those two bills we are going to have to have 3 council members show up to approve those bills once we get an answer.

General-	\$ 106,102.48
Highway-	\$ 197,787.36
Water 1-	\$ 564.39
Water 2-	\$ 84.67
Water 3-	\$ 484.38
Water 4-	\$ 282.17
Water 4B-	\$ 282.17
Water 5-	\$ 28.21
Water 6-	\$ 341.47
Water 7-	\$ 299.20
Water 8-	\$ 269.42
Water 9-	\$ 169.31
Water 10-	\$ 112.87
Water 11-	\$ 141.09
Water 12-	\$ 282.17

Ayes- 4

Abstained- Limina (Doesn't have the financial report to compare)

Opposed- 0

Motion carried

RESOLUTION NO. 64-24

RESOLUTION TO ADOPT THE FREEDOM OF INFORMATION LAW POLICY Motion by Seitz and seconded by Schiffer

Freedom of Information Law Policy

Introduction

This policy provides an overview of the Town of Shelby's (the "Town") implementation of the New York State Freedom of Information Law ("FOIL") and the Town's procedures for responding to FOIL requests.

Records Access Officer

The Town Clerk is the Town's Records Access Officer. The Records Access Officer has the primary responsibility for ensuring that the Town maintains up-to-date listings of records and their location. The name and contact information for the Records Access Officer shall be posted on the Town's website. All requests for public records must be submitted in writing to the Records Access Officer at the Shelby Town Hall, located at 4062 Salt Works Road, Medina, New York 14103. Requests may also be submitted via email at the email address listed on the Town's website,

Hours for Public Inspection

The Town shall make records available for public inspection and copying during normal business hours, except for those records or portions thereof which may be exempt from disclosure pursuant to State or Federal law.

Location of Records

The Town shall make records available for in-person inspection at the location where the records are stored. The Records Access Officer shall maintain a current list, by subject matter, of all of the records in the Town's possession. The list must indicate the date of its most recent update and shall be updated at least once each year.

Fees

The Town shall charge a fee of \$0,25 per page for pages not exceeding nine inches by fourteen inches for photocopies of records, If the records cannot be photocopied, and are instead maintained on a computer disc, photograph or other medium, the Town may charge the actual cost of reproducing the record. Preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two (2) hours of Town employee time is needed to prepare a copy of the record requested. If more than two (2) hours of a Town employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record, the Records Access Officer shall notify the requestor of the estimated cost prior to preparing a copy of the requested record. In determining the actual cost of reproducing a record, the Town may include only the following types of incurred costs:

- 1) an amount equal to the hourly salary attributed to the lowest paid Town employee who has the necessary skill required to prepare a copy of the requested record;
- 2) the actual cost of the storage devices or media provided to the person making the request in complying with the request; and
- 3) the actual cost to the Town of engaging an outside professional service to prepare a copy of a record, but only when the Town's information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy.

Procedure for Responding to Record Requests

The Records Access Officer will respond to requests for access to records under FOIL in accordance with the following procedures:

- 1) Requests for records must be in writing, and must reasonably describe the records sought.
- 2) The Records Access Officer will provide a written response to all requests within five (5) business days either:
 - a. granting or denying access to records in whole or in part;
 - b. informing the requestor that the request, either in whole or in part, does not reasonably describe the records sought. The Records Access Officer shall provide additional direction and/or ask for clarification from the requestor to identify the records sought;
 - c. acknowledging receipt of the request with a statement indicating the approximate date when the request will be granted or denied, which shall be reasonable under the circumstances of the request and shall be no more than twenty (20) business days after the date of such acknowledgement; or if it is known that circumstances prevent disclosure within twenty (20) business days from the date of such acknowledgement, a statement indicating the reason for the Town's inability to grant the request within that time and a date certain; within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part;
- 3) In the event that the written acknowledgement of a request includes an approximate date when the request will be granted or denied within twenty (20) business days of such acknowledgement, but circumstances arise which prevent disclosure within that time, the Records Access Officer shall provide an additional written statement within twenty (20) business days of such acknowledgement specifying the reason for the inability to grant the request within that time and identifying a date certain, within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

- 4) If the Records Access Officer does not provide a written response in accordance with the procedure outlined above, the requestor may treat such noncompliance as a denial of access which may be appealed under the process set forth in this policy.

Records Not Subject to Disclosure

The Town shall deny access to records, in whole or in part, that:

- 1) are specifically exempted from disclosure by state or federal statute;
- 2) if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the New York State Public Officers Law;
- 3) if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;
- 4) constitute trade secrets or are submitted to the Town by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
- 5) are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- 6) if disclosed, could endanger the life or safety of any person;
- 7) are inter-agency or intra-agency materials which are not:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final agency policy or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
- 8) are examination questions or answers which are requested prior to the final administration of such questions;

- 9) if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures;
- 10) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law;
- 11) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-b of the vehicle and traffic law;
- 12) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c of the vehicle and traffic law;
- 13) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eighty-b of the vehicle and traffic law;
- 14) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-d of the vehicle and traffic law;
- 15) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-e of the vehicle and traffic law;
- 16) are data or images produced by an electronic toll collection system under authority of article forty-four-C of the vehicle and traffic law and in title three of article three of the public authorities law;
- 17) are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-d of the vehicle and traffic law;
- 18) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred seventy-four-a of the vehicle and traffic law;
- 19) are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-e of the vehicle and traffic law;
- 20) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-f of the vehicle and traffic law;
- 21) are photographs, microphotographs, videotape or other recorded images or information and data prepared under authority of section three hundred eighty-five-a of the vehicle and traffic law; or

- 22) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-c-one of the vehicle and traffic law (effective May 3, 2024).

Appeals Procedure

- 1) The Town shall form a FOIL Appeals Committee comprised of the Town Supervisor and two (2) Town Board members. Any person denied access to a record may submit a written appeal to the following address:

FOIL Appeals Committee
Town of Shelby
4062 Salt Works Road
Medina, New York 14103

- 2) Appeals must be received no later than thirty (30) days after the date of the denial and shall contain the following information:

- a. the date and location of requests for records;
- b. a description, to the extent possible, of the records that were denied; and
- c. the name, phone number, and return address of the person denied access,

- 3) Upon receipt of the appeal, the Town Clerk shall transmit a copy of such appeal to the Committee on Open Government. Such copy shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

- 4) The FOIL Appeals Committee shall respond in writing within ten (10) business days of receipt of the appeal by either granting access to the records sought or explaining the reasons for further denial. A copy of this response shall also be transmitted to the Committee on Open Government.

Discussion: Kathleen Bennett, attorney discussed the FOIL Policy. This policy was circulated last year however was never approved. Zelazny asked if the state recommend for appeals solely the supervisor or do they recommend the whole board should go over appeals or how do they do that? Does the state have recommendations they could look at? Attorney said it is on the Open Government website. She said you could choose to handle appeals in any way that the board decided was best for the town. Supervisor asked if it complies with New York State law. She said yes. Limina asked if this policy applied to the board to or just the public. Attorney said she would have to look that up. What does this mean if the public wants to come in and look at invoices, do they FOIL every invoice, do they come in and say we want to see the invoices that are being voted on tonight and they are put out. How does that work because there a people that want to see them. Attorney said they would make a request pursuant to the policy to see invoices within a certain period they would specify the dates; they would make that request to the town clerk and the town clerk would process it in accordance. Limina said if they just wanted to come in and look at them, they wouldn't have to pay for copying as they wouldn't be copied. Attorney said yes but they would have to be sanitized. Attorney said some information may need to be redacted. Limina said if information is sanitized the town clerk would have to sanitize them so a copy would have to be made. So would they be charged for the copy. Attorney said she has never had a question like that nobody has ever asked. Attorney said there would be no charge for copies unless they requested the copies to take with them. Limina said a copy has to be made is not going to affect them. She said we have to make a copy to sanitize it and it should not be charged to the person requesting it because they are not taking it with them. Limina said in the policy it talked about the amount of time so if we are copying so if it takes her quite some time just want to make sure nothing is missed and there would be a charge for people to just come in and look at public records. Attorney said no because if it's got to be sanitized like taking an account number off of an invoice which ifs for the town's purposes, there should not be a charge for that. Limina said if the invoices are sitting there and somebody gave enough time and said I want to be able to see the invoices that are approved certainly within a couple of weeks they should be able to have enough time to be able to see them prior to a meeting. Attorney said that would be an administration or administrative question for Town Clerk. Zelazny asked if they would give a certain time frame before that so they would have time to sanitize, like a couple weeks or how would that work? Attorney said it would be in accordance with the policy so it would be how many days she has to respond and then form there you would acknowledge the response within 5 business days and then you would try to turn records around. Limina asked if there is some kind of a records management like a document control system in place that shows information has been turned over to the records officer. Attorney said Town Clerk is records manager and essentially, she is responsible for all records of the Town. As to how things get to her is inner workings of the town clerk's office so she is not sure how she does that but she is designated by Statute that's not even because of the FOIL law, the Town Clerk is designated as the position responsible for all of the records of the town and managing all of the records of the town. As to how those records get to that individual, I don't know and the statue doesn't say how that has to happen. Supervisor said any resolutions we do are not finalized until Darlene finalizes them. She stamps

them so she has the copies of all the original. Every resolution Supervisor reads she makes them for him. Anything we work on Darlene makes them and gives to us. Any mail that comes in she opens mail so she gets copies of anything. If anything, else comes up I hand it to her. Limina said is there a way to track everything that goes to the clerk office. Supervisor said he doesn't know if I keep the originals or a copy but he will find out. Zelazny asked if there is a procedure to sign off on each other of things we give to each other and that is has been received for accuracy to make sure everyone got what they were supposed to be getting? Limina said she would personally like to see the appeals be three members; supervisor and two board members or their members. Schiffer asked why. Limina said you would be getting not just one opinion then you are getting a conglomerate of other hopefully independent thoughts that might think differently. Whereas if you leave it in one person's hand you have just one opinion. Supervisor said if he has an appeal, he is not making a decision; the lawyer would make the decision. Most likely it's going to be legal to give it. Limina said so you are asking us to be loyal to a person and not a process and the next supervisor may not feel that way so she thinks if we put the right process in place regardless of who the people are. Would need to amend the policy if we do that. *Attorney said we can do that now. It says the Town Supervisor plus two members of the Town Board are the Towns FOIL Appeal Board.* Zelazny said he would like to know if board members should be exempt from this at far as he is concerned. They should not have to FOIL for anything before we vote. Attorney said it doesn't matter if you are or you aren't. Doesn't matter whether you vote on this now or not. Your either subject to it or not subject to it whether you put it in place now or not. Attorney said under the law you are subject to this regardless whether you are on the board or you're not on the board. Limina said so this mirrors NYS law so there is nothing different here. Attorney said no there is nothing in here that says it absolutely totally applies to town board members. It complies with NYS law. It says what NYS law says so she goes out and does the research and NYS law says it applies then it applies because of that, not because of anything in the policy Limina said so if NYS law said it didn't there is nothing in the policy that says it does. Attorney said that was correct. Zelazny would still like to find out if the State requires it before he votes. He said he would like to know what the State thinks regarding board members having to FOIL town records. A roll call vote was about to be taken and Schiffer asked about the town board member

RESOLUTION NO.65-24

RESOLUTION TO ADOPT THE FOIL POLICY AS MODIFIED TO REFLECT THAT THE APPEALS PROCESS WILL BE THE TOWN SUPERVISOR PLUS TWO BOARD MEMBERS AS THE TOWNS FOIL APPEAL BOARD

Resolution to adopt the FOIL policy as modified to appoint the Town Supervisor and two board members to be on the Foils Appeal Board.

Discussion: Schiffer asked about whether board members are exempt from FOIL.

Attorney said she would be doing the research on it. She said there is nothing in the policy that would state that. She said if NYS law says you are you are and if NYS law says you're not, you're not. What is in the policy is not going to change. Schiffer said maybe we should get that answered before we vote on it.

MOTION TO TABLE THE FOIL POLICY

Motion-Schiffer to table the FOIL Policy, Second; Zelazny

Yes-5

Opposed-0

Motion carried

RESOLUTION NO.66-24

RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS PREVIOUSLY APPROVED IN THE 2024 BUDGET FOR THE WATER VAULTS CONNECTING TOWNS OF ROYALTON AND SHELBY

Motion by Seitz that we go along with the vaults since the money has already been appropriated, Second; Schiffer

Discussion: Limina asked if we got a report back from CPL on their findings of the water pressures. Supervisor said he did that previously when he presented to the board and said we had adequate pressure and he said to go ahead with the first vault and we will be able to test the pressure and see if we need to go any farther or not. Limina said the last submission we got where we had MRB and CPL, they quoted \$4000 to go out and do water pressure testing. Wondering if they got a report back on that or are you saying it was from the initial work that he did prior to the presentation.

Hwy Supt said yes, he came out and did the pressure check after we did the testing phase when they opened up the Freeman Road and they had adequate pressure for the area that they did and then it was suggested to go ahead and do the second vault and maybe a third and then we would be able to go farther. His theory was to see how far we can go with that water and when we get to a certain point, we just turn the valve off and then bring the village water around. Hwy Supt thinks she is looking for something conclusive but it can't be conclusive until we take it there. But he did do the testing and everything was adequate. Limina asked if we have a copy of it. Supt said when Jason gave us the presentation the pressure tests were in there. Limina asked about the \$4000 that he quoted us for he was just billing us for something has had previously done. Hwy Supt said it is what he is going to do. He is going to protect us. He is going to make sure we stay within in the limits of what we need to do that's what he proposal also. Limina asked what happens if we get too far down the road and all of a sudden, we don't have pressure. Hwy Supt. said we back it up. There are valves all over the town. We open up some we push the water down. When we test, we monitor. If we can go little farther, we go to the next step. If he tests and says that's too far, we go back and turn the valve off. Limina said we are spending almost \$38,000 to put in a vault but we don't know how far that going to take us. Who pays for this? Hwy Supt said it's in his budget already. Limina asked if it was coming out of a water district? She understands you can't take from water 1 to pay for another water district. Hwy. Supt. said that wasn't his job. Limina said if we are doing this piece meal and we don't know how far it's going to go we might be spending more on things without knowing whether it's going to actually save money. She is going back to what Jim Heminway said at the last meeting and thinking a lot about. For a project of this magnitude shouldn't we have something from start to finish and we can do it in pieces but we are going to know every step of the way. Every step we do is cost effective and she understands there is money in the budget but you budget for things that you think you might need that doesn't mean you have to spend it if it doesn't make financial sense, so she is asking if we have

looked at the big picture and we know what we are spending is actually going to save us money somewhere and we're not going to end up spending and only get two districts out of it lets say. Hwy Supt said there would be more than two districts but can't give a definitive. Limina said but an engineering study that's what MRB was trying to tell us if you come and you do the whole study, they will tell you exactly what you're going to be able to do and what the total cost is. Hwy Supt said that's what Jason was telling us, that another vault would give us plenty of pressure. Limina said she would not expect Hwy Supt to tell us but an engineer should be able to tell us. Much discussion regarding water pressure during testing. Zelazny asked if the water be able to be pushed to the east end of the town? Dale could not answer that. Supervisor said the test was for a month and a half and we had adequate water pressure. Jason said this would increase our pressure. Then he can read what they accurately can do. If we can't go any farther this would supply that half of the town with the two water vaults. Hwy Supt said the more they can do the better the blended price would be. Zelazny asked if there is a price already established with what they would be charging the residents. Hwy. Supt said they don't know how they are going to blend it. Supervisor said they are still in negotiations with Medina on a decrease rate so once we get a hard number from Medina then they will know. The plan is to do a flat rate for everyone in the town and then farmers and big water pullers will get a discounted rate off of that. Hwy. Supt. said he is available all month long if anybody wants to ask him questions, it's all in his folder. Limina said if we are testing for a month and a half getting water from Royalton for some several districts how are you going to price that out now. Supervisor said we are not getting water right now. Limina said but you were for a period you were getting water at \$3 from Royalton and so how are you going to adjust peoples water bills now. Supervisor said he asked Jason and he is working on that number for us now. Supervisor said it was Jason from CPL and he is going us a flat rate number so we can. She was talking about the rate during the time period when they were testing and you have people on Royalton water. Supervisor said he will find that out for her. Even if we are charging at a normal rate, we're covered on that. Limina said the whole point of the tax payers was you were going to reduce their rate so you would be charging them 8 1/2 Supervisor said you would have to run a test anyway even if charging them normal rate, we are covered on that. Zelazny said the water with Royalton and Medina was it going to be comingled, are you going to keep it separate. Supervisor said it comes from the same source but its sure valves will be closed because you're not going to feed back into Medina. Limina asked if every district had a dead end? Hwy. Supt. said not every district has a dead end. Some of them are loops. He has a list of dead ends in his office. Hwy Supt said it would be a lot easier to lay the map out and he can show the dead ends. Seitz asked if he had an idea how many dead ends there are. Hwy. Supt. said 8-10. Limina said if water is coming from Medina and water is coming from Royalton how do you stop them from pushing against each other. Hwy Supt said pressure will do that. There is a valve in there where you can stop it. Zelazny asked about water pressure with the ppms. How would you know where it came from, Village of Medina, or Town of Royalton? It would be our problem regardless where is coming from. If ppms are low would have to open valve and flush. Zelazny asked if the people on the east end of town would benefit because they are paying taxes for all of this and they don't even have water. Theres no water lines over

there. Hwy Supt said he is assuming everyone is going to benefit. Seitz said it doesn't matter where water is coming from – its where the dead end where the ppms have to be brought up. So, it's not one versus the other. Zelazny said he was looking on the Royalton website and they had a resolution last night about Shelby paying \$7900 for engineering. How come our engineering doesn't have that included. Supervisor said the water vaults are going in the Town of Royalton and they had to do the engineering on that. It's included in this price. Zelazny said so we are buying a water meter and it's going to be in the Town of Royalton. Supervisor said yes. Limina asked who owned it. Supervisor said we do. Hwy. Supt said the vault on Freeman Rd., which is just across the line is owned by the Town of Shelby that was purchased 20-30 years ago and never used. So that was a poor expense of money. So, they can put the vault on their side for easier hook up. We would maintain it like the rest of our vaults. Limina said she was wondering why this would not have been in the engineering report from CPL. Hwy. Supt said it was Niagara County. Limina said this resolution is just for this invoice. It's not the \$7900? Supervisor said not it's the total which was \$48,039 which was for everything. The vault and all the equipment that goes in the vault and that was all the parts and that should be cheaper because we were downsizing a couple things. Limina said if you read the resolution from Royalton that they authorize their supervisor to enter into an agreement with GHD town of engineers so that implies the work has not been done yet why are we paying? Hwy. Supt. said the engineering work has been done. The engineering has gone into Niagara County Health. Limina said the invoice looks incorrect. It looks like the Town of Shelby is billing the Town of Royalton for \$7900. Did we get the engineering report, do we have a copy of the engineering report. Hwy. Supt. said it is all in his folder. Limina said she would like to see it. She thinks it should be looked at before we spend \$8000. Its s a picture of the vault with the pipes coming in. Limina said it goes back to when they wanted to see the MRB report there was confusion about where it is. We should have a copy of every report that we pay for. Supervisor said it's a blue print not a report. Limina said our records officer should have a copy of them. Limina said we should be getting a complete plan before we keep moving forward in pieces.

Schiffer-Aye

Seitz-Aye

Limina-Opposed

Zelazny-Opposed

Wengewicz-Aye

Motion carried

RESOLUTION NO. 67-24

RESOLUTION TO REOPEN THE AMENDED FOIL POLICY TO ADOPT THE TOWN SUPERVISOR AND APPOINTING TWO BOARD MEMBERS, ED ZELAZNY AND JEFF SHIFFER TO ACT AS BOARD MEMBERS FOR THE FOIL APPEALS BOARD.

Motion-Limina; second- Zelazny

Roll call vote: Schiffer-Aye

Seitz-Aye

Limina-Aye
Zelazny-Aye
Wengewicz- Aye
Motion Carried

RESOLUTION NO.68-24

Resolution to support the continuation of lawyer and non-lawyer justices for the Town of Shelby court

Motion by Seitz and seconded by Schiffer

Presented at the last board meeting by the judge. For the public's benefits the resolution for the district courts that Orleans County is trying to put in and be resolved the members of the town Board of Shelby support the continuation of the 300-year tradition of both lawyer and non-lawyer or lay justices residing in the town courts. We want to keep the town justice here in our town to keep our money here

Roll Call vote: Seitz-Aye

Schiffer-Aye

Limina- Aye

Zelazny- Aye

Wengewicz- Aye

Motion Carried

Supervisor said the Town of Shelby board members received a recommendation from the Planning Board. It said it would like to recommend that the Town Board place a moratorium on wind energy overlay zones section 597 so that the Planning Board can review the regulations and make suggestions of possible changes. The Town of Shelby Planning Board would also like to recommend the Town Board place a moratorium on alternative energy systems section 660 so that the Planning Board could review the regulations and make suggestions of possible changes.

Zelazny asked if this is everything under 25 megawatts.

RESOLUTION NO.69-24

RESOLUTION TO AUTHORIZE TOWN ATTORNEY TO DRAFT LEGISLATION FOR A MORATORIUM ON WIND ENERGY AND ALTERNATIVE ENERGY SYSTEMS

Motion-Schiffer; second-Limina

Roll call vote: Schiffer-Aye

Seitz-Aye

Limina-Aye

Zelazny-Aye

Wengewicz-Aye

Motion carried

Board Comment-Seitz- Asked Hwy Supt about flushing. He said waterline flushing seems much better since joining with Royalton.

Limina- At the last budget workshops talked about a collection of last four quarters of water, she emailed everyone a template doesn't know if you could use it or if she could just get the information, she could plug it in herself but she thinks it's a visual that would help them to see as they move forward or if they are making progress. Supervisor said Beth was working on the numbers for him today. He should have the numbers for her tomorrow.

Zelazny- Wanted to know if inventory has been done yet? Ongoing at the moment. Supervisor said we just finished with the comptroller this week, we will install the new program on her computer this week and she will get going on that. Hopefully that can be done by July. Supervisor will keep him updated on that. Zelazny also asked about the MEOs attending school and their status under class I. Hwy. Supt. said one is in school now. Supervisor said the other two didn't want to do it. Zelazny asked about the price of the school. Supervisor said it was about \$3,000. They didn't have to take the full course. They call it professional driver's course because he is already a driver. He also asked about workshops. Supervisor scheduled a workshop for August 29 at 7 pm. He was contacted by John Parada and Dale has soil and water coming, issue with water on Furness Parkway. Can wait to see what Soil and water had to say.

Limina asked if Kathy was coordinating with Allied or Scott are you coordinating? When are we going to see Allied come in and present at least the 2022 audit. Supervisor said it will be at the July board meeting. Limina asked if it will be just the 22 audit or will they have the 23-audit done too. Supervisor said he is not sure. But if the 23 audit is done he will have that too.

Public comments –

John Parada – Furness Pkwy water problem underway, he talked with Dale for a solution

John Pratt- For Hwy Supt. Asked if the guys are using the 4-wheel drive Kubota spraying around the hydrant and meter vaults. This vehicle was bought with water money and that is what it is supposed to be used for. He did not know if is just sits locked up in Mt. Pleasant Cemetery in one of the buildings up there. Supervisor said its in the garage now and he will get an answer. John said that's what it should be used for and it would keep the spray from migrating to the driver and the operator.

Larry Waters –He was surprised to see the FOIL policy. He does have a FOIL he handed into the town clerk. Its about all the things he has been asking for over a year now and had not received a satisfactory answer. No supervisor report on the website for 2024. He understands we just had a state audit. He is anxious to read the report. He said Mr. Schiffer and Scott are liaisons to the village in regards to negotiating water rates. Mentioned at the workshop that were had been a couple meetings wondering if there were going to be further meetings. Curious to know if the audio recording system has been removed from the Town Clerks office. Question of the resolution lawyer, non-

lawyer is just not a resolution to abstain from participating in district court it's just expressing feelings of the town.

Supervisor said he will get John an answer regarding the 4-wheeler. He knows it is in the garage. Supervisor will find out from Dale what he is going to do. He also told John Parada he is working on it. Trying to get it working. The water meetings, spoke with Jess and decided to not schedule any meeting in the last couple of weeks to give Marguerite time to start the new administration. As soon as they are ready, they will start the meetings up again. They are in the middle of their voting.

George Phillips asked if the town was or was not mowing the median at Furness Parkway. Supervisor said it's a split decision some want it mowed some do not want it mowed. Is a decision the board has to talk about. Having the assessor find out who the mean belongs to. Once they get an answer from the county, they will move forward on that.

Motion by Supervisor and seconded by Zelazny to adjourn the Town Board Meeting and move into executive session for personnel matter at 8:25 pm.

Executive session adjourned at 9:27 pm.

Respectfully submitted,

Darlene Rich, MMC, RMC
Town Clerk

Pamela Henry
Deputy Clerk