

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

Sept 10, 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
Steve Seitz, Councilman
Eddie Zelazny, Councilman
Jeff Schiffer, Councilman
Linda Limina, Councilwoman
Kathleen Bennett, Attorney
Darlene Rich, Town Clerk
Dan Wolfe, Code Enforcement Officer
Julie Cecchini, Assessor
Claude Grimes, Constable
Jim Conway, Constable

Excused: Kirk Myhill, Planning Board Chair

Others:

Alan Bushover	Madeline Rodriquez	Cody Gomez
Bill Maryjanowski	Leona Weese	Jeremy Beatty
Lorraine Limina	Mike Rich	Kristin Bloom
Yonic Parada	Paul Curtain	Joy Waters
Larry Waters	John Pratt	Paul Gray
Sharlene Pratt	Gabrielle Barone	Rusty Hoffmeister
Kevin Smith	Holly Raymond	Mark Erway
Mary Zelazny	Kurt Benz	Linda Benz
Zach Petry	Gary Lamar	Pam Henry
Paul Henry	Donna Mazur	Steve Mazur
Brian Murray Sr.	Aiden Wisniewski	James Zelazny

Called to order at 7:00 PM

Pledge to the flag

Public Forum regarding agenda items only-John Pratt- any additions or deletions to the agenda. Supervisor said no.

Highway Report-(Dale Root, Hwy Supt.)-Equipment repairs continue. The TL90 which is the road side mower is at the dealer ship for repair with an estimate of \$14,000 to fix. Feels we should have a conversation about trading it in. The pile of tires accumulated in the past year has been disposed of. Bigford Road has been sealed and Barre will bring their shoulder machine over upon its repair. Truck 652 has had the box and frame painted. Cemetery barrels have been dumped; branches picked up plus water pump at Mt. Pleasant repaired. Helped the County in milling and paving Platten Rd. Helped Clarendon pave. Took delivery of 600 tons of road salt. Continued flushing. After many months and a trip to lobby the state chamber, Dale received a letter from the State DOT that they have changed the 10-year rule to a five-year ability to revisit a road for CHIPS expenditure which is great news. The cable holding the phone lying out in the parking lot has been repaired again. There have been trucks doing U-turns and catching them. We will get a sign saying low wire, no trucks. The north gate has been repaired. Bell Road and the other dirt roads are being graded and always stacking of E-waste. After last month's meeting and not paying the bills against the town he has had many inquires as to why the board did not pay any of them. Was there a reason why any bills in question could not have been pulled out for further review and a motion made to pay the remaining. He said as a result of his absence in the last two months at the board meetings a lot of questions have come to light. Everyone does realize that he is available every day in his office or by phone if there are any questions that need explanation. Seems that after reviewing the meeting on line cell phones are a concern. Dale has 2 cell phones assigned to his department. One is for his use in the town settings and one is for the ability of the water department to have access to the internet and the cloud to retrieve water maps and read meters. As far as getting all the pages of the bill which he supposes we are entitled to may he inquire to what you might be looking for perhaps he may be able to answer that question tonight. As far as the question of repairing the high lift borrowed from Albion, how can you sit there and say we should not pay to fix it because we don't own it. That doesn't make any sense to him or build any good relations with our friends in the county. When he inquired about a rental unit it would have been over \$4000 to have one here for 6 weeks for the kids while they were painting. \$695 .00 sounded like a good deal to him. Now to clear the air on some water questions-the water from the village and the water from Royalton is the same exact water. Its Niagara County water. Coming into the town through a different pipe, that's it. To address purchases from the village as certain vaults were reading less, maybe it's because we fixed all the leaks attributing to less usage, which the end result is less tax money spent by overpriced water as you may remember we had a townwide leak detection done, none found. Within the town we have had many that want an explanation as to why their water is so expensive, some are having

problems with coming up with payments. We have one resident who purchases 680,000 gallons of water a quarter. Think of the relief you could obtain for him alone just to be able to reduce the rate by \$2.00 would save him over \$1,800 a quarter. It behooves him why it's so difficult to purchase the exact same water at half the rate. The department feels it is a wonderful opportunity to help the residents and find some relief even if it is small. Next questions he should have gotten signatures or sign offs for water change. No, we did not change source of water just the supplier. Councilwoman Limina questions his approved bill at Core & Main for \$31,000. He had been told by multiple people including the town clerk water bills had to be appointed to a district, well he made a mistake. In May 2024 the board passed a resolution approving the expenditure of funds for the after vaults connection to Royalton. It would have been a simple line-item agenda but he sees the advantage to make a big deal out of it. The money approved is in the line A8310.200 not A8310.400 District 12 where its proportionately by percentage spread over all the district's. Upon reviewing the last meeting, I reached out to a resident on Hoffman Road to answer the question whose water he was drinking and for his animals. He was told he never had Royalton water, always Medina. Next, he called a resident in Shelby and said there were no other complaints on water smell. He told him that at no time was Royalton water in Shelby Center. His response was that after he had back flushed the Culligan it got much better. Situation rectified. In response to either himself or his deputy to be here to read my report, a monthly report is always submitted. He has missed very few meetings. He is available most any day in his office or on one of his phones. Anyone can contact him any day of the month. Not just a meeting night. Furness Parkway-Last meeting it was said the town does in fact own the median. He has a letter from soil & water that states going to the west with water is not the answer. They have spoken with the department to discuss options. What's high on the list of actions is to install a drainage pipe, plug in all the sump pump lines that seem to run year-round and possible filling it in and create additional parking. But the flaw to this is all the water will cross over the road and collect in private yards. Wild flowers were also discussed. Whatever they do they will try their best. The town will mow it as time, equipment and personnel are available, the same as we extend to fire halls and parks. If the resident expects it to be manicured as they have had now, please don't. They will do their best which leads Dale to ask legal will we be opening up the town to legal issues if a resident gets injured while mowing the median. Also, should letters be sent out to each property owner stating legal position of the town. Supervisor asked about \$14,000 to repair the tractor. Dale said that was the estimate he received. Supervisor asked what it was worth. Dale said it would be \$14,000. Supervisor asked how much a new one would be. Dale said between \$75,00-\$90,000. Supervisor asked if that was state bid. Dale said he wasn't sure. Dale said he has all the plans to go up and see equipment and what they have available and then with the board's approval, he isn't going to go buy something until he gets the money. Supervisor said we need bids first and discuss it. Dale said that is what he intended for having a conversation. Dale said he will get quotes. Seitz said tractor isn't repaired yet what are we doing to continue with the roadside mowing. Town of Barre has offered them one of theirs. Rusty Hoffmeister has been out for a couple of days and they are getting caught up on it. Limina asked Supervisor if he wanted to address any of Dales comments on the bills not being paid. He told her to go ahead

and comment. She said at the workshop she handed out a document that came off the NYS comptroller's website. It talks about the process and procedures to go through to audit the claims. You cannot just take out the one that was an issue because we as a board do not know if there is enough money in each budget line especially as we get closer to the end of the year we don't know how much has been spent. Because we are not getting monthly financial reports we cannot determine them. There was recently an audit released from another town that talked about their claims process. They were cited for not following the proper procedures. She is happy to send him the link for it. But the bills not getting paid had nothing to do with the board. They were not the responsibility of this board. We are not getting the documentation we need to be able to do that and for the record and she abstained. She did not deny. I understand that those bills are due to people and I understand that there are a lot of small businesses that were affected. But the problem does not come to the board it should go to where are the financial reports because if we had them, we would have paid them, that's the first thing. When you talk about the cell phone, she does want to see the entire bill because the board's job again is to audit, she doesn't know what she is looking for. I might be looking for something that might look a mess okay so without the whole bill we don't know that. It's possible that there's people on the bill that have left years ago and we're still paying for them. We don't know unless we see it all. As far as not coming to see you if you're available to us all the time, the board rules we were given day one in January said we are not to go to the department heads but we are to do all our talking through the liaison which I have been doing with the liaison, so we have been directed not to talk to the department heads directly as it can be disruptive to your day. She is just following the procedures we were given on day one. As far as water they were looking for according to the village those areas were down, that very well might have been because the leaks were fixed but you said at a previous board meeting that we used roughly six weeks of testing from Royalton. We have not yet seen a bill from Royalton for how much water was used or did they give it to us for free, I don't know. That's why we have questions. Our job is to audit what's going on to make sure that everything is the way it is supposed to be according to the budget and that's our work. You have a job to do, we have a job to do and we're just trying to do it. Dale said he had to answer to a lot of people that we have bills with as to why. Limina said she is sorry but thinks he is directing his questions to the wrong place. Dale said this is a meeting and this is his report to the board. He said he does not address the public I address the board at my meeting, these are my notes, my report. Limina said we need to know from the Supervisor why the financial reports are not being provided for us to follow the procedure we are given by the state and that procedure was there for a reason. Dale said that is not his thing. He approves the bill as he is instructed to do. People have faith in him when he takes up a piece of equipment, there is one in Shelby that moves heaven and earth to get our stuff in there when needed and then all of a sudden, we don't pay him. He feels bad to have to explain. Limina said understood. Dale said he is just making his report to the board. Limina said she wants to make sure everybody understands the board should not be looking at the bills for payment without a financial report that tells us. She said she is voting by what New York State tells her. Attorney- comment on the playing of the bills. Legally the board should be receiving Financial Reports every month. In the absence of those financial reports, it's the right of

each board member to vote in a manner they deem appropriate and they should not be faulted how they vote on that issue and people who are owed money should be reassured that ultimately, they will be paid their money. The town municipalities in her experience don't do not pay their bills, so bills will be paid and people should not be faulted or criticize or I say board members should not be faulted or criticized for how they vote on that particular issue in the absence of financial reports.

Zelazny-Regarding the new plow truck- Have we taken delivery on that yet? Dale said no. Zelazny asked when we were receiving that, get the plow and box before winter? Dale said whenever you give me a check to pay for it. Zelazny said if that's the bond, Dale said let me know when I can go over and get it. Supervisor asked how far off is the bed and the plows? Dale said it is changing all the time. The longer we wait the farther behind we get. A month ago, I could have had it by spring. Now we are looking at maybe by the time snow flies in 2025. If we wait much longer it will be sometime in 2026. Supervisor- When we order the next truck how long is that going to be? Dale said he couldn't answer. The factory is getting the cab and chassis online faster. Zelazny asked Dale if the truck is in at a dealership. Dale said yes. Zelazny- So even if we take possession of it, it's not going to be able to be used for almost a year. Dale said again he has a place that will put the box and plow on and we might have it by next summer. They're probably a year out until we make an appointment, he doesn't know. Seitz- said we will still be going with the same equipment that we have, same said plows and wing, same hitch. Dale said yes. This one will be stainless steel he hopes. Dale said it will have a patrol wing like on the small one. Seitz asked what he meant by patrol wing. Dale said it operates and works basically the same, you just can't fetch it. Seitz asked why he would want that instead of the other. Dale said it is thousands cheaper and haven't had to use it in years. 98% of the time it will work just fine. Seitz said he would still like to know the difference in the cost of the new wing versus the old style. Dale said to stop by. Zelazny- Also the engineering report from CPL, we have been asking for that and we haven't received anything yet for Royalton water. Dale asked which report, they did not engineer it, Niagara County did. CPL is going to do testing. Limina said it was the one we voted to pay \$4000 to them to do, we're looking for the report. Is that finished yet? The testing that they were doing is the report ready if not you'll have to check with Jason, I don't know. Dale said he doesn't report to him. Supervisor said he will send him an email. Limina said that at the workshop they also talked about the garage doors and you were looking for some more information. Is Steve doing that or does Dale know we talked about it. Seitz said there was an email from Wood Door explaining about the frames and how doors are put together and if they were to change the equipment like we were asking about the track so they would have to be specially built and cost factor would be quite a bit more versus using what we have. Zelazny- is that all three bids would have to do that or just Wood Door? Seitz-the only email he received was from Wood Door. Dale- the other bids left the tracks and that in there as Supervisor is reading, they are specifically designed for that door its an odd ball because of head height that to take it out they can't duplicate it. It would all have to be fabricated on site. Scott-So what they are recommending is keeping the overhead tracks, they say there is nothing wrong with them, replace the doors. Dale said yes and that is the bid they gave us leaving the overhead tracks. Dale said they are heavy duty

Limina asked if there is a warranty issue if we stay with the tracks that are there? Dale said he doesn't know what the warranty is outside of what they put in. He said what's in there is fine if it's overbuilt, he doesn't see where there is going to be a warranty issue.

Attorney- Comments regarding Capital improvements that Zelazny raised last month- With respect to capital expenses attorney research it and looked at guidance documents from the comptroller's office a number of other documents and opinions so typically if a capital improvement is being financed by a bond or grant then it needs its own special account designated in the budget so that way the funds that go to pay for that all gets tracked, So in this situation because the improvement was not being bonded for, borrowed for by a grant, it had been budgeted for the cash was on hand there was no need for that to have its own separate special account. The only requirement was that those funds come out of the various water districts at whatever percentage the benefit would be to each of those districts from that improvement. With respect to the CPL study it's her understanding that study was funded out of the engineering account from the general townwide fund so under Town Law Section 209Q, the expenses incurred for that kind of preparation of plan, report, study, map, etc, that can be paid for out of a general fund but it has to come out of the town outside of any villages fund so what will need to happen is the town outside of village fund will need to reimburse the general townwide fund for that expense for that report and then at some point that report should be again divided up amongst the water districts based on the percentage that benefit those districts get and then those funds from the various water districts will be used to reimburse the town outside villages fund. A resolution will be drafted to transfer the funds when we figure out what the amounts will be and what makes sense. This will be done at the next meeting to make sure the funds get accounted for and reimbursed.

Limina asked how are we going to go about determining who has the benefit. Dale said the best he can tell is when we get done, we will know how far it travels that will be affected or beneficial. Limina asked do you know how long; will it be 3 months? Dale said he will let you know when he can turn it on, he will know right after that.

Zelazny- So you can take money out of the General Fund? Is that including the highway department fund? Attorney said the highway fund is different. Zelazny- said it was stated multiple times that they padded the highway fund \$150,000, where's that money? Dale- As he stated in the report it's in the SW8310,200 which is what each water district has that line. It's for equipment. It's already been proportionately put in by percentage across all of the water districts. It's been there since January. Looking into how all the water districts get divided up. Dale said each water district has a set percentage of value in the whole system. Supervisor said they are trying to go back to figure out how it was established. Zelazny- said so there in no time frame when we are going to find out water has been traveling or who benefits. Supervisor said yes it's this one if the Medina went down this would reach the whole town, not tons of pressure but there would be a wager for everybody or no. Dale- It is his understanding with the two hookups we can do the town. Supervisor – but until we do a pressure test, we don't know

Assessor Report- Julie Cecchini- Been receiving a lot of questions still about the STAR program through phone calls and walk ins. The state does not inform her of when they start sending out checks so if you are a homeowner that receives a check, she does not get notified for that but does believe residents are starting to receive checks in this region. Any more questions about the STAR program please reach out to Julie. Anything related to assessments she does encourage residents to contact her office. Last month she touched on sales and again since mid-July ten homes in the village have sold over assessed value with a range about \$53,000 over their assessed value. Additionally, two homes outside of the village have sold and one of those was \$95,000 over assessed value. She has noticed there doesn't seem to be as many homes on the market right now but that does not deter new home owners from purchasing way over new assessed value.

Code Enforcement (Dan Wolfe) Read by Supervisor Wengewicz-Increase in building permits especially in the last few weeks. He has had seven building permits in the last twenty days; four were issued today. He had one fence permit, four pole barns and two storage buildings. He worked with the ZBA taking applications for area variances, one for a pole barn on Wheeler Rd. that did not make the requirements for set back and that was passed by the ZBA and he issued the building permit. Also had an area variance for a billboard on the corner of Salt Works Rd and Maple Ridge Road and that application was withdrawn. He attended a Planning Board meeting; he received that same sign application because the planning board approved sign permits and as Dan said through the ZBA because they required a variance that application was withdrawn by the applicant. He received a special use permit application for a telecommunication tower on Hurd Farms today to enable broad band service to Ricky Place. Kirk was on vacation so he helped with the public notice mailings. He sent out the application to the County Planning board for referral. FYI- that public hearing is going to be October first here at the town at 7:00 pm with the Planning Board. That telecommunication tower is 85 feet high and should it be approved its going to be attached to the Hurd farm silo. Received one complaint about condition at 12357 Maple Ridge Road. That's the house by the Methodist Church in Millville. There is not a lot he can do with it because that parcel is owned by JR Transportation in Queens, New York City. Going to consult with the attorney to see what can be done. The Town does have a local law for the removal of unsafe structures. This house is falling between the cracks, it certainly needs to be repaired. He would like to see it removed and also like to see the town consider keep working on the grass and weeds law. Limina asked about the update on the list of homes that are in violation. Dan said he will get her an updated list and he has made progress. He will give them anytime they need within reason; his office is willing to work with them. Attorney asked how long it has been since she has seen anyone at the 12357 Maple Ridge Road address. Dan said he has sent numerous violation letters and doesn't receive a reply. Dan will be in touch with the attorney.

RESOLUTION NO. 87-24

RESOLUTION TO APPROVE TOWN CLERK REPORT (Aug)

Motion by Limina and seconded by Seitz

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 88-24

RESOLUTION TO APPROVE MINUTES OF THE JULY TOWN BOARD MEETING

Motion by Seitz and second by Zelazny

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 89-24

RESOLUTION TO APPROVE WORKSHOP MEETING MINUTES OF SEPTEMBER 4

Motion by Seitz and second by Limina

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 90-24

RESOLUTION TO PAY THE CLAIMS AGAINST THE TOWN (JULY BILLS FOR AUGUST MEETING)

Motion by Seitz and second by Schiffer

General-	\$ 72,950.88
Highway-	\$ 81,535.95
Water 1-	\$ 6,332.48
Water 2-	\$ 978.98
Water 3-	\$ 4,353.08
Water 4-	\$ 3,263.29
Water 4B-	\$ 3,263.29
Water 5-	\$ 326.32
Water 6-	\$ 3020.12
Water 7-	\$ 1,793.46
Water 8-	\$ 1,652.29
Water 9-	\$ 1,957.98
Water 10-	\$ 1,305.32
Water 11-	\$ 1,631.65
Water 12-	\$ 3,263.29

Discussion- Limina asked will we have a revenue report? Supervisor said as soon as it was done.

Discussion: Limina- asked if the account number get changed on that one bill.

Ayes-3

Opposed-0

Abstain-Limina until we receive financial reports, Zelazny

Motion carried

RESOLUTION NO. 91-24

RESOLUTION TO PAY THE CLAIMS AGAINST THE TOWN (AUGUST BILLS FOR SEPTEMBER MEETING)

Motion by Seitz and second by Schiffer

Discussion: Limina- While reviewing the bills she found Shelby Crushed Stone and American Rock Salt. There was a claim voucher that had Shelby Crushed Stone with an American Rock Salt bill attached to it. Clerk said that was her error. Limina said there needs to be approval process all the invoices go back to the Departments to look at they would make sure everything is put on their correctly and then they can be signed off. She also did not see a Verizon invoice or an Independent Health invoice for several months. Are we getting them, are we not paying health insurance for people? She is worried about the Health Insurance not being paid. She said it is a monthly bill and she has not seen them. Limina asked Scott to look into it as it was not on the abstract or any of the claim vouchers she looked at. He said he will find out. So how are they getting paid without the board looking at them. Miranda said they are pre-approved and they got paid. Limina asked her to tell her where they are. Limina said her concern is if they were paid, they weren't on the abstract or any of the claim vouchers she looked at. So how are they getting paid without the board looking at them. Miranda said they are pre-approved. Limina said she would be happy to send the information regarding payment of claims that says even pre-paid bills have to be reviewed by the board. Miranda said she is aware but she has not been able to give it to Darlene. I haven't been here, so I haven't been able to get them to her so that's why she doesn't have it and I was working so I couldn't give it to her for this month so she will have it. Limina questioned the past ones. In the past we have seen maybe three or four out of the eight months or so. If they are prepaid, they are not being put into the folder. She asked Scott to be aware we clearly have a flow process here. Limina asked if cemeteries are in A fund or B fund? Dale said A. She also asked about Medicare and how it is split with the retirees.

General-	\$ 21,305.65
Highway-	\$ 85,604.93
Water 1-	\$ 158.50
Water 2-	\$ 25.02
Water 3-	\$ 184.18
Water 4-	\$ 83.42
Water 4B-	\$ 83.42
Water 5-	\$ 8.34

Water 6-	\$	75.08
Water 7-	\$	41.71
Water 8-	\$	41.71
Water 9-	\$	50.05
Water 10-	\$	33.37
Water 11-	\$	41.71
Water 12-	\$	83.42

Ayes-3

Opposed-0

Abstain-Limina for not having financial reports, Zelazny

Motion carried

Discussion for hiring a bookkeeping firm. Limina had a long conversation with Tina at LGSS. To clarify some of the questions that came up at the workshop, they do not do invoices, entering or doing the bills into any accounting system whether it be Williamson Law or when they change over to Accufund so that would still stay here. They would install TEAMS on our network here so you can communicate with them remotely. They do not have an office in Brockport. She said their people are kind of spread around and the closest person is in Pittsford but they do not send anybody on site. They will stay with Williamson Law through the end of this year and then as of January 25 they will switch us over to a software called Accufund which is what all their people use, they have all their clients on it so it makes it easier for them that everybody is using the same software. The difference in price for this year which is actually \$5000 a month this year from September through December and that's because they are anticipating quite a bit of cleanup work and some significant issues that they are going to have to do to get the books ready for January. And then when they go together books, they think that Accufund is a little more efficient than Williamson Law so they anticipate they will be able to process things faster. They are also going to change our payroll company over to ABP. She is not sure who they use now but they will move that over to ABP. She summarized from their conversation what it sounds like they are going to do for the little over \$33,000 quote that they gave us. She did follow up with an email that went to Supervisor and Limina. Limina forwarded it out to the rest of the board, Darlene and Kathy. So, everybody has the email she sent with her follow up. Supervisor said so when they switch up over it says the town would own the license for the town when they switch us over. Limina said she said the software we would continue to be able to stay on that software should we decide to leave them and go with another firm the license and the data on their belongs to us and they would just probably give up any access to it. Limina said she has a couple thoughts she is concerned in the beginning that we are not going to have somebody on site, if we are changing to new software what does that mean for what the clerk is doing on Williamson Law for her things, what the water department is doing for their things. She did say they transfer that data every month into Accufund but doesn't know if that was just for the remainder of this year. She did say they would move them but doesn't know if she is planning on changing their software part of the process, they would move the numbers from the water systems to the Supervisors book. Didn't know if she would

be changing their software come January but if we move to Accufund that means that the clerk whose putting in the bills and creating the clean voucher form now is going to learn a new software. Process of entering the bills is staying here but the check writing what they'll do is they'll call somebody here to put checks in the printer and then they will send a file over and remotely print the checks, somebody will then get the checks off the printer and put on Supervisor's desk to sign and somebody here would have to mail them. She did not look in to it further but would venture to say that the difference between their \$33,000 quote and Drescher * & Malecki's, think they were \$63,000 is probably due to the fact that Drescher & Malecki is that they are going to enter the invoices and they may or may not have somebody come out here. They certainly could they are in Buffalo, there is no reason why they couldn't send somebody but I'm guessing somebody actually entering the bills and handling that whole process so I don't think with Single Source you're not comparing apples and apples. You're getting more for your money with the other two or you ask them to down grade their service to equal what LGSS is doing if you wanted to compare the two. Seitz- why couldn't we just use LGSS for the rest of this year, it's just a few months and then if we decide to change firms in January and go with Drescher & Malecki. We've got to get somebody in here to do this now. We can't be going on another month. He doesn't want to see the town falling behind on their credit ratings. He doesn't want to see the town paying late charges and he wants people to get paid so would like to see this get done even if we only have them for the remaining of the year. Limina agrees they really need to move forward with something quickly. She is concerned about changing software until we know we've got our books in order. She thinks it's a dangerous thing to change again and she was pretty clear that she thinks she will have the books done by then but she was moving to move us January 1 so she doesn't know that she didn't she wasn't quite clear in whether that meant regardless of whether we have things balanced out or if they would wait until that happens. Limina asked if she heard anything back from Drescher & Malecki of when they are starting. Supervisor said no he actually sent her an email today and he cc'd her on it. Attorney asked when the agreement was sent in. Supervisor said he resent it in again today. She said she wants to come out here. Limina said we received an email from Williamson like the beginning of August stating they had gone through the January and February months and tied those out to the penny and they were comfortable we were able to move forward on our own. Do we have any more months that are caught up? Where all the transactions have been booked by the month so we are at least somewhat current at least the activity for this year? Supervisor said no we are at a standstill. That is why we need to get a bookkeeper going. Miranda's last day was the 28th. Limina said she is talking about the period between the end of July or beginning of August. Supervisor said it is just January and February is as far as it got.

RESOLUTION NO. 92-24

RESOLUTION TO APPROVE LGSS TO DO THE BOOKKEEPING UNTIL DECEMBER 31ST.

Motion by Schiffer; seconded by Seitz

Discussion-Attorney said who is going to actually write the checks and pay the bills? They don't do that; they aren't going to send somebody here. The doesn't know if they are actually going to help us for the next 3 months. Supervisor said Miranda can do it.

She is staying part time. Attorney said she had not been appointed yet as confidential secretary. There has been no description. That is a separate issue that needs to happen because she was appointed for a position that she resigned and now you want to create a new position that has to be passed by this board, the hours need to be set, the duties need to be set and the pay needs to be set for that. Supervisor said we can do that first and then come back. Limina said they will pay the bills. They just won't come on site. Darlene is going to have to put checks in the printer, they will remotely print the checks and then somebody has to give the checks to Supervisor for him to sign and then somebody will have to stuff and mail them. So, they will take care of the process and make sure they are monitoring what checks are cut. They just need somebody here. Attorney thanked Limina for the clarification.

Roll call vote:

Schiffer-Aye, Seitz-Aye, Limina-Aye, Zelazny-aye, Wengewicz-aye.

Motion carried

Zelazny had a question if we decide to change the software in January what would the price tag be on that, \$75,000 like it was for Williamson? Supervisor said no whatever accounting firm we go with it will be their software. It will be a subscription where you pay monthly and that's included Attorney said who is going to write the checks in the \$33,000 fee that they are charging us. Supervisor asked if we are going to solicit other bids for 2025. Attorney said the motion is to only use LGSS until the end of the year. It makes sense to get some other bids from other companies to have something to compare especially in light of the software change because she doesn't know if it's a prudent idea to be changing your software when you're still trying to correct prior years. Limina said until we are really straightening out and know what we've got we're regularly getting reports Limina thinks it's important to maybe not every week but somebody should be able to come on site. There is going to be questions. They are not going to understand necessarily everything without seeing things. She just thinks in the beginning it's important. Seitz said maybe when we bid it out for 2025, we can put that in there. Supervisor asked Limina to come up with a bookkeeping RFP proposal. She said she would. He said he will send it out to the same three; Single Source, Drescher and Malecki, LGSS. Attorney asked if there were others he would want to add. He said he sent it out to nine people and only three responded. Attorney said that was a shortened period of time so for something like this they have a little more time so it might be worth sending it to the same list. Supervisor said when Limina sends it to him he will send it out and give them thirty days. Limina said she thinks so and thinks we will have more serious people time to look at it. Attorney thinks what was sent out before was sort of very specialized. She thinks we might get more if they know that it is a full year commitment with potential for future years so thinks we might see more response.

Attorney said estimates from the Department Heads are due by September 20. The tentative budget must be prepared and files with the town clerk by September 30th. The town clerk must present the tentative budget to the town board on or before October 5th. The town board reviews the tentative budget and may modify it. During the review the town board may call department heads and the town supervisor in to explain their

estimates. The town board approves the tentative and then it becomes a preliminary budget. The town board must hold a public hearing of the preliminary budget no later than Nov 7 and then the town board can make changes to the preliminary budget and the town board must adopt the final budget no later than November 20th so there are a number of things that have to happen between now and October 5th.

Set Friday October 4th at 10:00 AM for Town Clerk to present the tentative budget to the town board.

Hold public hearing no later than Nov. 7 and that's on the preliminary budget so at some point the town board has to approve the tentative budget to make it the preliminary budget before we have the public hearing on Nov. 7. Limina said we talked about it at the last workshop where dept heads present their budgets and we'll have a much better understanding, there should not be as many questions once we get the tentative budget. We wouldn't have as many questions, the process, vote to make it the preliminary should go a lot smoother

Supervisor-Dates were discussed about the tentative budget. Approve tentative budget to preliminary budget at the next town board meeting on October 8. Supervisor said department head budget requests to be ready by next Wednesday the 18th. Attorney said the department heads should plan on being at that meeting. Will meet at 6:00 PM. Workshop set for Wednesday Sept 18th at 6:00 PM

Attorney said at the Organizational Meeting the Town Board had appointed Miranda Bennett as the Bookkeeper/Secretary/HR Manager and IT Program Manager. Set a salary for the bookkeeper that was per hour payable by weekly and then the standard work day established for the bookkeeper on the New York State LRS which she believes is the retirement form RS241 17-a as 7 hours. Scott reported last month and tonight that Miranda resigned as Bookkeeper/Secretary/HR Manager and IT Program Manager as of August 28. Supervisor has stated he wishes to appoint Miranda as his Confidential Secretary for 20-25 hours per week at an unspecified hourly rate. While Supervisor appears to have the authority under the statute to designate who will serve as a Confidential Secretary pursuant to Town Law Section 29 it would appear that the hours of rate and pay need to be set by the Town Board pursuant to Town Law Section 20, so the Town Board previously approved the appointment of a Confidential Secretary for the Supervisor consistent with Town Law Section 20 however Miranda was appointed to multiple roles, it's not clear how many hours per week the board intended the Confidential Secretary to work or what rate of pay should be for that position so the Town Board will need to pass a resolution clarifying both the rate of pay and the weekly hours and the duties of the Confidential Secretary position. Attorney told the Supervisor that you don't need to appoint. You need to set rate of pay weekly hours and duties. She said there should be motion first for a resolution. Supervisor said normally part-time is 20-25 hours as long as they don't go over 35 hours so he thinks 20-25 hours, closer to 20 and at \$22.00 an hour. Zelazny said this needs to be discussed in executive session, we are going to have a few issues we need to discuss

this and come back. Attorney said it is a Personnel issue so it would be appropriate to do it in Executive Session.

Board Comments-Zelazny-Wondering about any negotiations going with Medina lately? Mayor was setting something up. Limina said she was just at the village board meeting yesterday and they said they were waiting on Supervisor as he was supposed to be getting back to them. They were waiting on Shelby to come to the table with a proposal. Supervisor said he will do that. Limina feels at this point we have lost probably almost nine months of time where we might have had a reduction in the water rates for the people. Regardless of what we do with Royalton I think it's important to get to the table with the Village of Medina and try to get a reduction in the rate. We are kind of like leaving money on the table and charging more than we might have to. Supervisor said they have been trying, we'll come up with the last contract and go off that and make a proposal. Zelazny also said he brought up Orleans County Water District rates and wonder if anything was found out why or water rates are not online. Supervisor asked Beth to get ahold of Dawn Allen at Orleans County to find out what they need and hasn't heard back from Beth yet. Zelazny said also Attorney you already talked it over regarding this capital projects. It is a general document something you can follow, would like her to look at it and would like to give it to Town Clerk to put it on the record. (see attached at end of Minutes) We can follow some procedures from now on so we won't have an issue anymore. Limina said she mailed everybody about possibly getting a different insurance as they are Brokers so they deal with many different insurance companies and we talked about possibly going out today on that for next year. Want to keep that on the radar if we should maybe follow up by the next meeting whether we're going to get them information. Limina thinks it said what was needed to be able to go out to market. Supervisor asked if we just renewed in Aprils so we are good till next April. When we had the one in Gasport, we had them for over 10 years and when I came, we went over to Tompkins because we were banking with them. They gave us a broker and brought us down I think was over \$30,000 we saved by going with them. So, this would be our third year with them. And then we would go and work again but they already do that for us where they go to different insurance companies so we have NYMIR right now which is a municipality insurance. That's how we found out we needed to have coverage for any cyber-attacks or anything like that. We did not have that coverage before but now we do. They actually came and looked at everything that is on the property which Seaway hadn't done in years. They have been great and they come out every single year and recheck everything which I don't think Seaway ever did. Limina said the only reason we would say to go to market is because each broker has a commission and sometimes you can deal on the commission so she thinks its worth at least it doesn't cost us anything to give them the information and see what they come back with and if we get a good deal we stay where we are but until we reach out, we won't know. Should be looking in to this after the first of the year. Supervisor asked her to bring it back up. Limina also said we had fixed asset report from the Supervisor but would like to see the Auditors fixed asset report or does Williamson do fixed assets. But what's the town's list of what we are supposed to have versus what we actually counted. Dan Wolfe said Candy Cook was a procurement officer but has since retired. She had a list of town property and when it was no longer useable it was supposed to have been documented. Where that was left off, he doesn't know. Limina asked if

there was a fixed asset line on his balance sheet. She has not seen a chart of account. There should be a breakdown what do we have, what are we suppose to have. Do we have everything we paid for. Attorney said we may not have had any body keeping track of that since she retired. Limina said we should be able to go back and recreate it. Since Candy has retired for quite awhile Supervisor asked Beth is she would take the duties and she said yes. Supervisor makes a motion to appoint Beth London as the procurement officer to take over those duties. He doesn't think it would be over 25 hours a week. He said it may initially if she has to recover all of this information but 20-25 if she is filling 2 positions. Limina said we should have a description what does procurement officer do, what are the duties.

Attorney wanted to clarify an issue that was brought up about Mr. Schiffer property that he owns in the town. It was brought up there was suspicion or issue as to whether or not Mr. Schiffer owned property that was designated as vacant property on the assessment roll that in fact had improvements on it that he may not have been paying taxes on. The attorney looked into it and she emailed the assessor about it she confirmed what she ultimately uncovered which is Mr. Schiffer owns two parcels of property, one is completely vacant, the other one is split by the road so his property that has his house on it extends across the road to the property where he has his other improvements and if you look at the assessment roll for that property that property identifies all of the improvements so Mr. Schiffer is in fact properly assessed and taxed on both of his parcels so she just wanted to clear that up so there was no confusion amongst anybody in the town as to that fact.

Public Comment- Town Clerk-I was unable to be at the work session and needed to clarify some things that were said. The files in her office are locked but the clerk, deputy clerk and bookkeeper all have access to the files. It was said that only the Town Clerk has access to them. The file next to my desk is locked and only I have a key to that file. That is a personal file. It was mentioned that I received several calls from people who had not received payment from the bills. I never received any calls. I did receive one email which all of the board received the same email. Vouchers-Spends three days doing vouchers. I asked at last months meeting if I could have the vouchers a week before the meeting. At 2:30 today people are still bringing in vouchers to me. The vouchers need to be coded. I do not code the vouchers. My job would be a lot easier if the bills were all coded and I didn't have to hunt down people to get the codes on the bills. I am also taking care of customers at the counter and getting interrupted. There needs to be a process.

Dody Gomez-owner and operator of Sunshine Service. He came in tonight because of no payment since June. He heard bills for July and August were getting paid but wondering about the one before that. Miranda said there were three or four on one bill. He just wanted to make us aware if he doesn't get a check service will be suspended until he gets paid.

Zack Petry-Radiators Plus, He addressed the board regarding his missing payment in his business. He understands and heard comment on financial reports however the town as of the start of this meeting is overdue on payment of \$1157. 50. They worked to rearrange their schedule to repair town vehicles and were always given prompt service. He is aware the town is working on the big picture level however wants to make voices of smaller places heard regardless of you paying some bills today. He is

hoping this will continue being taken care of so Radiators Plus and others can continue to work with the Town of Shelby.

Miranda Bennett-Read a letter to Supervisor and the board that she is resigning from her Full-Time position and will work part-time as Supervisor's Confidential Secretary and only until a replacement can be found. She will no longer be performing her bookkeeping duties though she will continue with payroll until a replacement can be found. As well as any to her titles she had been given she could not say the past 5 years have been easy and have taken a toll on herself and her family. Her health in the past few months has had her re-evaluating her future with the Town of Shelby. With that being said she has chosen to live a happier life away from the constant drama and finger pointing. I've learned a long time ago that life is too short to deal with harassment and name calling. She is stepping down knowing she has made some lifetime connections that she hopes to never break and some she hopes to walk away with her head held high. Thank you. Miranda Bennett.

RESOLUTION NO. 93-24

RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AT 8:43PM

Motion by Wengewicz, seconded by Seitz.

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 94-24

RESOLUTION TO APPROVE BETH LONDON AS THE FIXED ASSET OFFICER AT HER CURRENT RATE OF \$20/PER HOUR AND HOURS PER WEEK WILL NOT EXCEED 25 HOURS TOTAL BETWEEN BOTH OF HER POSITIONS

Motion by Wengewicz, seconded by Limina.

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 95-24

RESOLUTION TO MOVE THE START TIME OF THE REMAINING REGULAR BOARD MEETINGS TO 6:00 PM

Motion by Limina, seconded by Schiffer.

Ayes- 5

Opposed- 0

Motion carried

Supervisor moves the Executive session closed at 9:30 pm, seconded by Schiffer

Respectfully submitted,

Darlene Rich, MMC, RMC
Town Clerk

September 10, 2024

From: Councilman Ed Zelazny

Re: Shelby Water Project - Action Items

These are the action items I've taken from our attorney's email in response to my concerns about the water project and discrepancies identified by an outside company. I still have questions because certain meeting recordings do suggest that the highway fund was used for the water project. I think we need more of an explanation about that from the supervisor, but we should follow the steps Kathy has recommended to get into compliance and prevent future issues. I would also like to know the status of the project and what steps we, as a board, are prepared to take immediately to reverse the errors and correct things moving forward.

1. Create a Separate Account and Line Item in the Budget for Capital Projects

- If the project is being funded by a grant or bond, open a dedicated account for the project.
- Make sure all funds related to the project go into the proper account.

2. Use General Funds Only for Minor Projects

- If a project isn't funded by a bond or grant (like an engineering study), it can be paid for out of the general fund.
- Check if the project qualifies as a minor improvement.

3. Ensure Reimbursement of Improperly Used Funds

- If the general fund was used for a water project that benefits certain water districts, the general fund must be reimbursed.

- The reimbursement should come from the specific water districts through a resolution by the Town Board.

4. Follow Town Law 209-Q for Water Improvement Projects

- The Shelby/Royalton Water project should be charged to the town outside village fund, and then costs should be reimbursed by the water districts involved.
- Ensure any costs for water infrastructure are divided between the districts based on how much each one benefits.

5. Revise and Correct Vouchers

- Review all vouchers and claims to ensure they reflect the proper division of costs among water districts.
- If the division isn't shown properly, the vouchers must be revised.

6. Pass a Resolution for Reimbursement

- For any water studies or infrastructure that were improperly charged, the Town Board must pass a resolution to pay back the account or fund that covered the costs.

7. Prepare for Future Projects

- Moving forward, make sure any costs related to water studies or engineering work are charged to the appropriate fund.
- Reimbursements to the Town outside village fund must be tracked and approved by the board when water districts benefit from the project.