

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

October 8, 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
Dale Root, Highway Supt.
Julie Cecchini, Assessor
Kirk Myhill, Planning Board Chair
Claude Grimes, Constable
Jim Conway, Constable

Absent: Dan Wolfe, Code Enforcement Officer

Others:

Alan Bushover	George Phillips	Julie Wolter
Leona Weese	Sue Fuller	Mike Fuller
Lorraine Limina	Mike Rich	Karen Curtain
Yonic Parada	Carri Calline	Christine Mason
Tom Rivers	Joy Waters	Alana Koneski
Larry Waters	Jim Heminway	Cassandra Boring
Sharlene Pratt	Gabrielle Barone	Diane Baker
Kevin Smith	Jess Marciano	James Zelazny
Mary Zelazny	Kurt Benz	
Brian Murray Sr.	Bill Eick-Or. Leg	

Called to order at 6:00 PM

Pledge to the flag

Public Forum regarding agenda items only-There are five add on resolutions. One is for machinery repair, one is for building, one is for replacing the garage doors, one is to pay for the new sign and the last two are paying of the new truck, ARPA funds and a line-item number.

Highway Report-(Dale Root, Hwy Supt.)-Dirt roads have been graded and smoothed over for the fall and hopefully the winter season. If we need to, we will touch them up again. The department helped out many other municipalities finish their projects. With our neighbors help we were able to put shoulder material down on Bigford Rd. finishing that paving project along with many other roads to make it safer travel. They continue mowing firehalls parks and vaults when they can. Jeremy is working on gravestone foundations. They were able to secure a tractor to put on the roadside mower but the second time out the hitch broke. It's out for repair, will continue when it reinstalled. Thanked Landpro for the assistance. Men are working on the plow trucks. Performed quarterly water reads. He attended fall conference. There was a water main break this morning on Salt Works Rd. It was repaired in good measure. Ha answered a few questions that were asked of him: When does the warranty start on this new truck? It starts when the truck is finished and put into service. The time frame for the plow and equipment -he signed the paperwork weeks ago, was told the equipment two weeks ago. Was told the truck should be completed by November 2025. Why does it take so long to get it equipped? Each outfitter is experiencing severe backlogs. Why wasn't it ordered when the truck was ordered? It was but after we had a date for delivery of the truck the outfitter said it would be two years as there were over 200 trucks ahead of them. They found another outfitter and we should have the truck by November next year. It would have been ready to go by April but they did not have secure order. The time out for a new truck if you wanted to order another one it would take per the dealer because there is a back log of automatic transmissions it would be sometime in 2026 before they could get a cab and chassis with an automatic. If they choose to go with a manual transmission, they say we could probably have it late summer 2025. When you order a cab and a chassis you cannot get a time build slot for the equipment until there is a build date for the truck and a serial number. There are just way too many people in line. Questions regarding budget lines. DB5110.400 is his account for repair of town roads, buying diesel fuel, repair of truck and equipment purchases. The DB5110.100 is his men's payroll. The DB5112.200 account is his CHIPS account. This is money they receive from the state of New York. It's a revolving reimbursement, you have to spend it to get it back up to \$259,000 and change. The DA5130.400 is another line for repair of equipment. The DA 5142.400 is monies used for winter snow plowing, buying winter diesel, snowplow parts, salt and related products. DA5110.400 is his Superintendent contractual account. It pays for schools, office equipment, conferences, advocacy and other expenses. Limina asked Dale if CHPS can be used for equipment. He said Yes but there is a process you have to go through. Can you purchase any equipment or are you limited to what you can buy. Dale said you can't buy a lawn mower with it but you can buy plow truck, salt barn. Limina asked about the warranty on the new truck. He

said it would not start until it is registered and put into service. We would still carry insurance on it.

Assessor Report-(Julie Cecchini) The office has been busy with residents filing new exemptions. She will be checking on building permits that have been closed. The month of September in Town of Shelby six houses went on the market. Five houses sold in the past month and three of those five homes were sold over assessed value and all were in the village.

Planning Board-(Kirk Myhill 1) We started out October with a public hearing at 6:45 pm for the internet power that was supposed to go on the silo on Hurd Farms on Maple Ridge Road. Unfortunately, he found out too late that a public notice was never put in the paper. Talked to the attorney and she advised him that they can still hold the public hearing but to adjourn it to another date so we had October 15th at 6:45 pm to continue with this public hearing. He believes they are looking at a grant that they want to get to do this with so we are trying to get it through for him. At their regular meeting they worked on the wind overlay and alternative energies that we have the moratorium on. The board all went through it and he does have copies for the board, it is just our recommendations to you. Attorney said it looks like the recommendations correspond with the highlighted area of the law. As you go through the law you can go back and look at their sheet and figure out what they are recommending changes on. Kirk said yes. She said once they get through all the budget workshops that we have some sort of workshop meeting to discuss this would be her recommendation

Code Enforcement (Dan Wolfe) Absent- no report

RESOLUTION NO. 100-24

RESOLUTION TO APPROVE TOWN CLERK REPORT (Sept)

Motion by Zelazny and seconded by Seitz

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 101-24

RESOLUTION TO APPROVE MINUTES OF THE TOWN BOARD MEETING (Sept 8)

Motion by Seitz and second by Schiffer

Ayes- 5

Opposed- 0

Motion carried

RESOLUTION NO. 102-24

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

Motion by Schiffer and second by Seitz

General- \$ 31,620.81

Highway- \$ 10,945.80

Water 1-	\$ 15,301.02
Water 2-	\$ 2,063.01
Water 3-	\$ 6,390.95
Water 4-	\$ 11,446.23
Water 4B-	\$ 8,918.07
Water 5-	\$ 1,402.58
Water 6-	\$ 10,807.25
Water 7-	\$ 2,596.33
Water 8-	\$ 4,459.04
Water 9-	\$ 3,833.93
Water 10-	\$ 1,923.92
Water 11-	\$ 2,562.91
Water 12-	\$ 4,493.77

Discussion- Zelazny asked is we were not going to receive a supervisor report this month. Supervisor said no it is pretty much impossible. Attorney said she had an update. Attorney said she had a meeting today with Drescher & Malecki today and they are working on it but the way Williamson Law works you can't go back in and make changes so they have basically created sort of a "dummy" setup of what the towns accounts look like and then they've started to go through January and go back through all of the accounts and checks. She thinks Nicole's plan at this point is she would like to come out next week because there's some additional information, she is hoping she might be able to find by coming here and explaining what she needs, so the game plan is for her and her associate assisting her on this to come out next week. She said late October is a good time for them to do this so she thinks once she comes out here, they will be able to move through all of that pretty quickly. Limina asked if she had an estimate now that she has had a little time to dig in and look as to how much longer she thinks it will take her. Attorney said it's going to depend on what she finds next week, whether the records she is looking for exist or don't exist and basically it involves bank reconciliation forms and some other documents. Limina asked if she was able to move through any months, has she been able to update through June or she's just at a standstill. Attorney said at this point what her recommendation is she thinks she wanted to look at January and she wanted to look at December. Because if she can basically do a reconciliation and not have to do month by month it will be less expensive.

Ayes-3

Opposed-Zelazny

Abstain-Limina until we get further financial information

Motion carried

RESOLUTION NO. 103-24

RESOLUTION TO SET BUDGET MEETING AS FOLLOWS, OCTOBER 10 AND 11 AT 6 PM, SPECIAL MEETING TO MAKE TENTATIVE BUDGET TO PRELIMINARY BUDGET ON OCTOBER 15 AT 6 PM AND PUBLIC HEARING ON THE PRELIMINARY BUDGET ON OCTOBER 21 AT 6PM AND ADOPT THE FINAL BUDGET ON NOVEMBER 7 AT 6 PM.

Motion, Limina, second by Zelazny

Ayes-5
Opposed-0
Motion carried

This is tentative. Call the clerk's office if you plan on attending any of the meeting in case we have to change them.

Zelazny- think we may need more than one budget hearing. Supervisor said it is possible but this is what we agreed to set up. Limina said at the public hearing where we make the preliminary final does that mean we can't make changes. Attorney said you are not making the preliminary final that night. You are adopting the final budget on November 7 so it really should just be your scheduling a public hearing on the preliminary budget for October 21

RESOLUTION NO. 104-24

RESOLUTION TO AUTHORIZE THE USE OF TOWN FUNDS FROM BUDGET LINE A1620.400/BUILDING CONTRACTUAL TO PAY FOR NEW GARAGE DOORS IN AN AMOUNT NOT TO EXCEED \$22,218.00

Seitz makes a motion to discuss this and look at the bids they have, Zelazny seconded. Limina asked Highway Supt. his input on the three quotes. Dale said they were all of the same caliber. One of them was \$22,000, one was \$27,000, the other one was like \$26,000. He had no problem with Batavia Garage Door for \$22,218.00. He came in, they discussed and they were going to all use the same parameters and this is what it came up with. Seitz said all the doors insulated on the panels with the same material? Dale said yes, they are all insulated doors with a couple of windows in them. Seitz said as he looked over the bids he really could not see in the highest bid, as he looked it over and they were talking about the track replacement. Dale said he went past the parameters; Steve said the other two they stuck in using our same track. Dale said it's because the track we have is of higher quality heavier use duty, they were special built because of the way the door needed the height of the door when they bought the building so they welded a lot of things together. The metal girds in there and they put the springs inside there. There is nothing wrong with them they say. It was just easier to reuse it again than tear it out and remanufacture everything that was already done because it is fine and heavier duty than anything they would buy. Supervisor said they are all using the same overheads, they are just replacing the updates and the door panels. Dale said all with windows, all insulated, all with new rollers. Zelazny said Sunrise Door went beyond. It was with new track. Dale said he was sure he could make it work but once he gets into that and has to cut the old stuff out that is heavier than what they're going to put in was going to probably cost up more money, more labor. They all looked at them. It would be additional cost. Dale said they are all welded up there so you would have to go in there and grind all the welds out to replace the track. He put the bid in with new track and that was not the parameters of the quote. Zelazny said he knew he had to cut all of that out there then. Dale said he looked at it all. When they sell doors, they sell the whole thing. Zelazny asked about the warranty. Dale said it wasn't listed but he would assume. He said he would have that put in writing. Seitz made the motion to go with Batavia Garage Doors after reviewing

but he specs with Woodruff and Batavia. There is no difference in any of the thickness of the door, insulation, no change in the track, there must be a difference in the labor to come up with a difference of about \$4,000. Supervisor asked the amount. Limina said \$22,000 almost \$26,000. Seitz said he was hesitant at first to take the lowest bid but after looking at them both again there is no difference so he would say to go with the \$22,218 if everybody else on the board agrees. Schiffer said if Dale is good with it, its good enough for him.

Motion, Seitz, second by Limina

Roll call vote:

Zelazny-Aye

Limina-Aye

Seitz-Aye

Schiffer-Aye

Wengewicz-Aye

Motion carried

RESOLUTION NO. 105-24

RESOLUTION TO AUTHORIZE THE USE OF TOWN FUNDS FROM BUDGET LINE A1620.400/BUILDING CONTRACTUAL TO PAY FOR THE NEW TOWN SIGN NOT TO EXCEED \$1026.62

Motion by Seitz; seconded by Schiffer

Limina-What if we get all of our financial numbers and we realize there isn't money on these lines. Supervisor said they would do a resolution to move money from the A fund to cover.

Ayes-5

Opposed-0

Motion Carried

RESOLUTION NO. 106-24

RESOLUTION TO AUTHORIZE THE USE OF TOWN FUNDS FROM BUDGET LINE DA5130.400/MACHINERY REPAIR TO PAY FOR TRACTOR REPAIRS IN AN AMOUNT NOT TO EXCEED \$14,000

Highway Supt said that was an estimate. He can't guarantee that they are going to fix it for that. It's like any piece of equipment, when it goes in the shop you have to take the cap off and crack it in half and pull the shuttle out. You might just want to give yourself a little room that's all. Supervisor asked out how much more. Dale said if it gets to that point, they will call him to have it marked right at 14 which is the quote they went through and did. Dale highly believes or doubts that it will come back less than that. He just wants to protect his department and board from an over expenditure. Dale said have it not to exceed 15 or 16. Limina asked if there is an amount that is just not worth fixing or are we well underneath that amount? Dale said when you get to that point, I'm afraid it's going to put it back together its useless. He can't believe that they made such an error in the quote that they would be \$10,000 over. Kathy said estimated in that account is \$42,164. Supervisor asked how much over would they be comfortable with? Council said \$16,000.

Supervisor re-read the resolution

RESOLUTION NO. 106-24

RESOLUTION TO AUTHORIZE THE USE OF TOWN FUNDS FROM BUDGET LINE DA5130.400/MACHINERY REPAIR TO PAY FOR TRACTOR REPAIRS IN AN AMOUNT NOT TO EXCEED \$16,000.

Zelazny asked what do we do if they go way over that amount to fix it? Supervisor said they would re-visit it. He asked for Dale to let them know as soon as he hears anything so they could modify the resolution or cancel it.

Motion by Seitz to let Dale go up to \$16,000 to fix the tractor not to exceed that, if it goes over, he will need to contact us and we will have to re budget it and check on different sources or fix it. seconded by Limina.

Roll call vote

Zelazny-Aye

Limina-Aye

Seitz-Aye

Schiffer-Aye

Wengewicz-Aye

Motion carried

Zelazny asked if they are going to warranty this repair? Dale said when you have repairs done, they usually give you some time on the repairs that they do and that's why we take it to the dealers periodically because they will warranty the parts.

The next two resolutions are paying for the new cab chassis truck a final recommendation from our accountant advised us and Kathy agrees to use the remaining of our ARPA funds so we don't risk an audit from the federal government

RESOLUTION NO. 107-24

RESOLUTION TO AUTHORIZE THE USE OF ARPA FUNDS TO COVER PART OF THE COST ASSOCIATED WITH THE ACQUISITION OF A NEW TRUCK IN THE AMOUNT OF \$116,180.68

Motion by Limina, seconded by Schiffer.

Roll call vote:

Zelazny-Aye

Limina-Aye

Seitz-Aye

Schiffer-Aye

Wengewicz-Aye

Motion carried

RESOLUTION NO. 108-24

RESOLUTION TO AUTHORIZE THE USE OF TOWN FUNDS FROM BUDGET LINE DB5110.400 TO COVER PART OF THE COST FOR THE ACQUISITION OF A NEW TRUCK IN THE AMOUNT NOT TO EXCEED \$44,271.

Supervisor asked if Dale wanted to go up in that amount or was it exact. Attorney said there was \$63,800 in that line is left. Limina said if that is the exact amount she doesn't know if we need to go up in that amount.

Motion by Seitz, seconded by Schiffer.

Discussion-Zelazny -Going back to ARPA you said \$160,180 that will be the last of it. Supervisor said that is what is sitting in the bank right now. Zelazny said is that minus what we spent on doors. Supervisor said none of that was used. We used all of the remaining ARPA for the truck. Supervisor said we used the line numbers for building contractual and machinery repair and maintenance contractual for the other purchases.

Roll call vote:

Zelazny-Aye

Limina-Aye

Seitz-Aye

Schiffer-Aye

Wengewicz-Aye

Motin carried

Attorney-on that truck were we still going to bond for the rest of it? Supervisor said he is working that out with Dale right now. We budgeted money for equipment reserve plus we already have \$87,000 in equipment reserve if we use part of the CHIPS funds and part of what we have budgeted and we should be able to pay the remainder of the equipment and not have to bond, but that is going to depend on February when they come up with our exact numbers. Attorney said we had approved a bond resolution back in July of 2023 so that would have to change now if you're going to bond for any part of it. Supervisor said we will contact Municipal Solutions tomorrow and see what we have to do. Supervisor said we could bond it and then pay it off later in the year. That's a board decision we need to discuss that if you guys want to do that. Attorney said her only point is that you would just have to do a different bond resolution.

Board Comments:

Zelazny- any update on negotiations with the village on water rates?

Attorney- she is still working on that.

Zelazny-he has been on the board for 3 years now and is requesting full access to the video camera in the whole building. Don't know if we need a resolution or not to do that. He should be able to look at the video without FOIL or anything.

Supervisor said he should be able to do anything so don't see that in being an issue.

Attorney said you could do a resolution but doesn't know if there is any kind of policy but she thinks she has been given the opinion previously that board members are entitled to look at anything, any records that they need so doesn't know that there needs to be a formal resolution in that regard.

Zelazny- any water bills from Royalton from the first quarter testing?

Highway Supt.- we haven't officially turned it on and the amount of water that was used for the test really wasn't a concern for them to build they were going to put it in when we finally turn it on and get online. He hasn't found another town to work with that has been as nice as Royalton has been.

Limina- Looked at a potential RFP for bookkeeping services for January. If we are going to send that out, she thinks we need to discuss that because if we send it out

now, we should be able to vote on it at the December meeting. It would give them time to respond and give us time to look at the responses. Supervisor asked we are giving them 30 days. Limina said at this point being the position we are in with everything still a little bit in the flux she thinks it is important that we have somebody that is willing to come on site at least two or three days especially at like this time where invoices have to get input, checks have to be cut, there is going to be questions working with department heads maybe how things are coded that at some point be able to be reduced or possibly go away. She thinks for the next foreseeable future who thinks it's important that we have somebody that will come here.

Zelazny agreed.

Supervisor said that qualifications on support is going to knock our current accounting firm out.

Limina said it's not written in a way to knock anybody out. It was written in a way to determine what do I believe after being in this field for forty years, what does she believe is the most important for us right now.

Supervisor said he didn't agree with that and having a certified public accountant, I don't think that should be in there either.

Attorney said preferably with that one.

Limina said licensing goes to the fact that somebody has pursued the education and the work experience. She said she thinks it is important at this point.

Zelazny-Situation right now, what we are paying these firms to fix all this I think it's a good idea, a lot of back up. You know we got a former state auditor on staff and everything. It would be good for the town.

Limina -Single Source could apply Drescher & Malecki, McCormick, Bonadio, there is several firms in Buffalo that do this kind of work and she I would hope that several if not all of them since there fairly close would send somebody on site but again if they don't then she thinks it throws them out for a while. If we get to a point where we think we have everything under control and things are moving smoothly and we get through year-end reports are coming out the way they are supposed to and we don't have any accounting issued then we can re-address it but the other thing is if we stick where we are, I am not against them except for they want to change our software. We are just barely getting ourselves straightened around with what we have now and we start changing software you just throw one bigger wrench into something and she is not sure we really want to do it at this point.

Supervisor-Preferably a CPA but not mandatory. Supervisor said he is good with that but is against the minimum 3 days a month. If they can he is for it but we are not making it a wall they have to do it.

Limina- So if we decide that we want to the invoices with the firm how are you going to get the invoices to somebody if they don't come on site and get them and put them in while they are here?

Supervisor -upload them.

Limina-then that means there would be no discussion with department heads or no signoffs. You're looking at now transferring invoices to them, then they are going to enter them then there going to come back here. You are adding time to the process.

What about cutting checks? How are you handling that?

Supervisor-they won't cut the checks.

Limina- Well that means we have somebody here doing it and we don't have anybody on staff that has accounting experience and she thinks again at this point with where we are we certainly don't want to get everything fixed and take steps backwards. She thinks we should be doing everything we can to stay out of trouble.

Supervisor- said we are, everything is being done.

Supervisor – LGSS calls us, says you need to move these funds, you need to pay this bill, you need to transfer here and that's what we do.

Zelazny-who's doing it?

Supervisor-Said he is doing it or Cassandra is doing it. They will not move it. They have access to our funds but they don't have access to moving funds or transferring funds.

Limina-said they don't have authority.

Zelazny asked if we can give them authority.

Attorney said they won't take that.

Limina asked what about entering invoices?

Supervisor said we could make that part of it. We can get somebody to do the invoices. He asked it that is on the information?

Limina said yes but that's the point of them coming on site

Zelazny said he thinks the taxpayers not even two years ago put \$75,000 for this new software system.

Supervisor-ARPA did that.

Limina said it's still tax payer money

Supervisor said it is Federal money but it's still taxpayer money that we could have used to buy the truck or buy something else

Supervisor asked Schiffer what he thought

Schiffer-Weren't we waiting till December before we do this?

Attorney- said no you need the approval. You need to send this out now.

Limina said we are talking about what requirements do we want from a firm going forward starting January.

Attorney- Wasn't there also a discussion of doing an option to include the vouchers and an option to not include the vouchers.

All-yes-Attorney- For payroll would you be willing to go with a completely separate entity for payroll, so one of the things that Nicole mentioned again today is she would recommend that the town uses a separate entity for payroll that would save the town a lot of money.

Limina-She thinks all firms will do that. They are not going to do that themselves on site, they are going to contract there going to go like an ABP or paychex or somebody like that. They are not going to do it themselves. But that's another thing. They are coming in, they are grabbing payroll information, they're getting everything they need to run the payroll, receiving the reports back.

Supervisor said so there will be two different RFPs?

Attorney said there will be two different quotes.

Limina- one will be a quote if they do not do the invoices and the other will be a quote if they do the invoices for us. But whether they do the invoices or not or believe that the person needs to come here.

Supervisor said he doesn't agree with that. Can we reword this is it possible they can't come here.

Limina-not in her mind, no. She thinks that is one of the most important things on there. Zelazny-think we should start with coming here and see how it goes. The need to come here as far as he is concerned. We don't want to end up like we did before.,

Seitz-We have been working with this LGSS, I know you're not against them only thing that you're not happy with is they are not on site. I hate to throw them under the bus and not have them be able to compete on the requirements we are looking at just because they don't come on site or they don't have a CPA.

Limina-you need to step back and you're not picking an RFP to pick a company. You're writing an RFP for what do we need and if companies can provide that then they should participate and if they can't provide that then unfortunately, they should not be considered but you don't write the RFP to accommodate a company.

Supervisor -You don't write it to exclude a company.

Limina-said she is not. She has forty years in this field and she is telling you this is her professional opinion what she believes we need at this point in time and it might be different in a year from now. She is just saying from her professional experience you need somebody onsite for at least the next year. If we get through next year and have a clean bill of health and everything looks great and all of our processes are flowing just fine you can re-evaluate. But if we spend the money we are spending and then we find out we have gaps somewhere things are falling through the cracks were going to look pretty foolish.

Schiffer-We are giving LGSS up until December. He is not against what Limina wants to do. He says to put it out there in the manner that she's written it and see what we get back but at the end of it come January if LGSS has solved all the problems, then I don't know why we got to go somewhere else but if they haven't and what Linda is saying is true then he fully supports what she wants to do.

Limina-One other thought, if you're having someone here constantly having to send information back and forth it's costing you more money because your tying up somebody here to send information and then over there because its taking them longer to get it, like through it where as if there here on site and they have access to everything right in front of them, if there are questions for somebody they can access people directly as opposed to having to try to chase them down through email or phone call.

Supervisor asked Schiffer if he was ok with the way it was written. He said yes. He then asked Zelazny and he said yes, he asked Steve, he said yes, he asked Limina, she said yes, Wengewicz was not ok with the way it was written but majority rules so he will send the RFP out as it's written

Limina-Do we have an update on Furness Parkway and the median. She asked Dale if he had an update or was able to work with them on the water issue.

Dale- We have the recommendation from soil & water but between other jobs and people taking days off and vacation he is very limited on staff. He said there were a couple of different options and one of them is putting in a drainage tile and some stone in the beginning and the end and capturing all the water from the sump pumps that are going there into the tile line and then sending it all to the north on private property.

There is some kind of a ditch there. He said they have a game plan. They would have had it figured out to do it this morning but they had a water main break.

Dale said they have a game plan and talked to soil and water. Something that's more pressing weather related and there has been a lot of vacations and staff gone.

Limina said not criticizing but didn't know they had a game plan.

Dale -as you go through private property, he will send it under the culvert pipe and then from there to the natural source. He said he is afraid of what the result is after they do it. He said right now people are pushing their sump pump water into the ditch, you have surface water that goes into the ditch, you have a couple culvert pipes and water sits in there and eventually it just migrates through the grass through the culvert. If he puts a tile line in there and capture everything it goes now, it doesn't sit there

Limina asked him about the tile line would it be north side of Furnace Parkway?

Dale said it would be in the ditch. Culvert pipe that goes under the road is already there and they were going to scoop out sod and then they were going to lay a piece of tile in there and that captures the water, and they put stone in the inlet and discharge end where the culvert pipe that goes underneath Furness Parkway and then it traverses down through private property.

Limina said we are talking about two different things. Dale is talking about fixing the water within the median and she is talking about the water that leeches under the road to the north and ends up on private property. That's the problem we are trying to resolve

Dale-you will have to ask him if it is a huge problem now but that's going to exacerbate it even more by sending more water in there

Limina-thought the whole point of soil and water was to try and figure out a way to get it out of the median and not on private property.

Dale-the real problem started with them not being able to mow it because the median was wet. They came in because it has been discovered it is our property so in order for us to reduce the moisture, the wetness of that median that's how we fix it but it had nothing to do with the private property.

Limina said there is a pipe that goes from Shelby property under the road and dumps that water onto somebody's private property, that's the concern.

Darle -the issue was the water in the median they couldn't mow the grass only thing he could be responsible for it our property so for him to fix that so they could mow the lawn was to drain the median

Zelazny-So going out the end of the Parkway to the west that is not an option?

Dale-said that is not an option. We are going to put a tile line in there. We have to capture all of the water.

Limina asked if you can plug up the tile that runs underneath the road over to the property?

Dale said no. You cannot stop the natural flow of water

Limna said it's not natural if there is a pipe under there

Dale said surface water you've been a creator retention because your water comes down the road it drains in there, the water from their basements drains in there so if it plugged it up

Limina-but the water in that median is not natural.

Dale-said of course it is. It comes from the rain and it comes from the run off and it comes from peoples' basements.

Limina said that was her point it comes from somebody else's property who is draining into the median which is now draining into somebody else's property.

Dale said your opening pandoras box if you want me to disconnect sump pump lines into the median.

Limina said she is not saying that but what is our other option. There has got to be another way to get water out of that median and not onto somebody else property and making their property a mess.

Dale-said he had no idea what that would be.

Limina said she thought that it's what it was supposed to be.

Dale said how do you move a low spot; you tile it out. You can't take it in another direction unless you go really deep and that becomes cost. Can you change the ditch on the road side where you discharge because it doesn't, can you change how water naturally traverses for the lake.

Zelazny- could the pipe going into the private property across the road to the end of Furness Parkway to the west it like foot and a half drops underneath the road

Dale-but you're expecting a private individual to accept all the water. He said there is a 25-foot barrier between Roberts no man's land. Todd Roberts doesn't want the extra water

Limina said that John Parada doesn't want it either so what can we do about it

Dale said he can't do anything, he can't drain private property

Limina said somebody put a pipe from the median both ways under the road to come out somewhere else.

Dale said a long time ago that was done long ago.

Limina said just because it was done 1500 years ago doesn't make it right.

Dale said he can plug it up but then there will be a retention pond and then we'll have snakes and mosquitoes. I can do the drain so they can mow

Attorney-asked about easement and Supervisor asked Mr. Parada if there is an easement of his property for the Town?

John Parada-said no that was his property.

George Phillips said if you look at the surveys out there his property is 300 feet deep.

Survey says only 265. So, you own 35 feet of his front lawn. The town owns 35 feet off the edge of the shoulder also. You have your easement on the end of the road and you have your easement on the shoulders of the road just like Supervisor said following that ditch back there is no easement.

Limina said running north and south

John Parada said he knows there is a drain out in the back you can hook into and it goes right and it follows up and goes behind Pedro's goes right off 31. There is already a drain there.

Attorney-You have a drain behind your house and no easement for it?

Supervisor said that's where the drain intake is

John Parada said there is a drain out back.

Dale said he believes Art Hill installed it

John Parada said he installed it for the Town of Shelby

Dale said he doesn't know if it was for Town of Shelby or the residents to drain it.

Mike Fuller- the one for John Parada at that time we didn't have a track hoe for one thing. The town hired Art Hill to put a drain in there., I am sure we got an easement for that. After they attained a small back hoe we put some kind of a drain in by lorio"s. Not sure on an easement on that one. He knows we have been talking about this. We had problems up on the west end by Mack's house. We had to get an easement or permission from Mr. Roberts to run another drain over into his field and they tiled it out to the main drag. It's been done but you have to get easements and cooperation of the land owner

Zelazny-asked if there is tile already on the end of Furness Parkway to the east.

Mike Fuller-said he wasn't sure. Tom Mack's house they couldn't get rid of water so got a hold of Roberts, he agreed, there might have been an easement, there might have been a handshake but they had to run a pipe. He thinks Art Hill did it. I don't think the town of Shelby did it. They just ran it to the main drag and that was the only way they could get water out of there.

Attorney-said we are going to have to figure out, we are going to need to pull some deeds and figure out where easements do and don't exist. The law is that you cannot with respect to storm water runoff or water runoff in general; if it is flowing in its natural course and if it is sheet flow nothing can be done about it. So, if it's a downhill owner and water is running downhill onto your property doesn't matter. There's no liability, water is just flowing like water flows. When you dig ditches and install pipes you've effectively channelized and directed water and the law is that you can't channelize and direct water onto somebody else's property. So, we are going to have to figure out if there are easements, if there's not easement so we are going to need to talk about potentially acquiring those easement s and then the town would have to do whatever it needs to do to make sure that the water flows where ifs supposed to flow.

Supervisor asked Mike Fuller if he remembers if a resolution was done to move the pipe 610 feet on Mr. Paradas property?

Mike Fuller-Town of Shelby moved it as there was an obstruction of the water so they moved the pipe. He said he knows there is an issue up on Furness Parkway and he thinks you're going to have to get easement. We had to ask Mr. Roberts to get easement down to 31A

Supervisor said Kathy is going to check on it.

Limina asked about the CPL report.

Supervisor said he hasn't gotten anything. He has been busy with the budget

Limina said she is just looking for the report from Jason. When he presented there was a \$4000 report that he was going to provide after the testing was done and it sounds like the testing was done and the vaults are installed so she is looking for a report he would have provided.

Schiffer-there is an interest in improving Mill Race Park. Suggestions were a pavilion, picnic tables, swing set, horseshoe pits, barbecue grill, make it family friendly. He doesn't know if the community wants that or not. From Schiffer's stand point he thinks it would be a good thing,

Attorney- Were you going to do an auditor's RFP, too? She feels the town needs a new auditing firm?

Limina said she did say she would put something together but will get something together for the board. In the next couple of days.

Attorney-With respect to water she has been trying to research some of the water questions that have come up, so the question about can the amounts paid for the bonds, debt principal and that interest be put on the tax bill? She has only gotten through a couple of the water districts. She was going through old minute books and needs to continue to go through them but what she has discovered so far is that when the districts were set up, they were set up to assess those fees on a benefit basis rather than as alarm basis and as alarm basis essentially how your property taxes get assessed or set. So, there is value to your property and then depending on that value there is a rate that is applied. That is not how the water districts that she looked at so far were set up. They were set up to be applied on a benefit basis so the benefit basis she doesn't know if it is by District or by property, she is still working on that. But what happens in this case is that fee gets divided up accordingly on the water bills so not on the tax bills so for the districts she saw set up on a benefit basis are going to have to stay on the water bills as long as there a debt service. With respect to the \$25 fee for Water District #1 it does look like it was set up in 2012 and was set up for \$25 and what I've raised and what we are going to be looking at is whether there needs to be its own special whether that \$25 from everybody needs to go into its own special fund so they are looking into that now.

Public Comment:

John Pratt-How is the water project coming from Martin Road to Sanderson Rd? Have you got any grants for that or where we coming with that?

Supervisor said he hasn't heard anything on that.

Attorney asked if it was a new or existing.

John Pratt said it's kind of an add on but doesn't know exactly. Water 13 looking for a grant. It goes away from his house instead of by it. On the auditing I don't know if we are going back far enough to get this squared away. When he was on the board and first started, he thought there were problems and it brought it up. Seitz was on the board then and John outvoted 4 to 1. John said we need to go back at least five years and check out what's been going on all this time. John asked who was doing the payroll now for the 3 town employees? Supervisor said it was the accounting firm LGSS.

John also said Kathy Bennett our lawyer said that there should be no problem with the rest of the board looking at all the books that in turn goes for payroll, right?

Attorney said it was everything.

Yonic Parada-Last night in the workshop Tina brought up that there are four districts out of the twelve that aren't meeting their billing, they are in the red. We are taking to meet them we're taking money out of our funds and paying for those districts so shouldn't we be looking at those four district that are in the red and up their fees because the rest of us are paying for that.

Attorney- doesn't know if that is necessarily the case because she doesn't see anything where it shows there has been a credit for that amount that's paid for debt principal and interest.

Yonic Parada-said Tina made a statement

Attorney-said she said because if you just look at it this way this is done and she didn't think she understood that until we had the conversation yesterday that there is a separate amount that gets billed for that debt principal and interest so she was going to go and look into that. She said that he is not wrong, all the water districts need a lot of

figuring out. So that is what they are trying to do. If there are adjustments that need to be made the towns going to have to figure that out.

Yonic Parada-said that is 1/3 of all of our districts, we are not taking enough money in we need to be getting it from somewhere and not let everybody else pay for it

Attorney- At this point we don't know if they are or there are not because she needs to get that information and then account for those payments that are coming in towards the debt principle and debt interest so I think we'll learn and no more and we continue to get into this. She said he is correct if they are not covering their expenses then something is going to need to change to make sure that those districts cover their expenses.

Lawrence Waters- He was at the workshop last night and in regards to the service charge it was discovered and reported by Tina that as per the resolution in 2012 it wasn't in writing that it was to be put in a reserve fund and she did not find that fund. What she discovered is that the money that being dumped in the general fund, water district not held reserve so to him that's misappropriation from day one, not to mention was the bond payment \$25 where did the \$25 come from. No where in writing does it say service fees shall be \$25 forever more, was it 10 did they raise it to 15 now 25 still not enough to cover to self-sustain the district so we have to bump it up some more and again in his opinion because it is a fee and not based on usage it ought to be on the tax bill.

Attorney-said she talked to Mr. Houseknecht because he was on the board in 2012 and he specifically remembered passing that resolution and he specifically remembered that it was for \$25 as to why it wasn't recorded as being \$25 she didn't have an answer for him it should have been. He told her what the amount was before she said anything to him about the amount.

Lawrence Waters-That to him does not excuse the fact not in writing

Attorney- she said she doesn't disagree

Lawrence Waters said it needs to be revisited by the current board and also in consideration of moving that to the tax bill but that's going to be a process going forward for ever more when all these district bonds are satisfied. You can still anticipate they are just stilling to whack you for service fees rather than using the date from years and years of water usage per district to determine rather that do a service fee were going to bump the rate up by 26 cents. One or the other is my recommendation

Attorney said there was nothing in the resolution that specifies the amount but when she talked to Mr. Houseknecht about it he said yes we passed that resolution and I believe it was for \$25 which it is for \$25 it's just that amount isn't specified anywhere it should be have been so yes this board should probably readdress that.

Limina-Asked the attorney if we were going to talk about the solar

Attorney said yes, she was going to give an update on Hemlock Farm, the solar farms. Update was they are hoping to start construction in summer of 2025 so they are in the process of sending out various agreement they want the town to review including host community agreement, a road use agreement so when she gets that she will have Dale take a look at it. One of the other things the town is going to need to consider is with respect from some building code issues and the size of the roadway and they are trying to get an exemption from the state for the size of the roadway and the town will need to decide whether it wants to retain its own engineering firm to act as a monitor or whether

we want to work with Labella who is doing this for the Town of Barre but she will talk with Bridget at the Town of Barre and she is going to put her in touch with someone from Labella and she can also go back to Wendell and get a quote from them as to what they would charge for being a monitor and for reviewing the plans with respect to the building code as well just to get Dan some help with that. The other thing we have to consider with the town is instead of a pilot agreement, essentially, they are going to enter into a pilot agreement but basically the pilot agreement with IDA is going to say that they are instead of paying pilot funds they're going to pay each of the affected taxing jurisdictions through host Community agreements for the two towns and the County and through educational benefit funds or something like that for the school districts. They are paying \$4500 megawatt that is going to be split between the towns, the county and the school districts with the towns getting 40% to a split between them based on the percentage of the project that is within each of the town's boundaries and 18% of the project is within the Town of Shelby so if you take 40% of \$4500 and then 18% of that that's what is coming to the Town of Shelby. She hasn't done the math yet. The town would be asked to waive the pilot and instead that money through a host community agreement which she does agree with entering into a host Community agreement rather than the pilot for that so that will probably be next month. Limina-Thursday night at 6:00PM is our next budget workshop. She would suggest if people want to know what in the budget to come to the workshop because it will cut down the number of questions that might come up on Tuesday when we make the tentative budget preliminary you will hear all the details as the discussions are happening as opposed to trying to get little tidbits at the meeting so it is just and FYI. You'll hear what's in the line items and you'll have a better understanding why the line items are what they are.

Attorney- said you can always look at last year's budget to get an idea of what each of the line items are until you get the preliminary one.

Zelazny-if a lot of people are showing up probably should have it in this room.

Supervisor-Supervisor and Council are not taking a raise this year.

Bill Eick-County Legislature-He apologized for being late tonight. He forgot the meetings are at 6PM and he had been in Albion all day. The County Legislature is working on the budget You know what we're going through, it's not an easy process. You probably all paid your school taxes in the new bay in Albion. The building and grounds department remodeled that hall and did an excellent job. It came out very reasonably priced and very pleased. A lot of projects going on. They have a public safety building roof to repair probably over a million dollars to fix it. The old trusses are giving out. It's a flat roof. Working with web to get that going. And hopefully we're putting that out for bid shortly. One thing that was brought up at the IDA Committee meeting yesterday morning. He believes we got a letter from IDA in regards to Medina Sewer Plant. They want to do a study in regards to excess water coming in maybe going down there from the part.

Supervisor said he thought it was for sewer, the one we got from Gabrielle regarding connecting the sewer.

Bill Eick-said he would say really consider the town helping us out with that. He believes Ridgeway is involved also and the county is involved. They want to get all

three entities involved. There are some receipts coming in and we want to make sure that we've got a facility to accommodate excels water.

Motion by Limina second by Zelazny to close the meeting at 7:44PM

All in favor

Motion carried

Respectfully submitted,

Darlene Rich, MMC, RMC
Town Clerk