

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

December 10, 2024 6:00pm

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
Linda Limina, Councilwoman
Kathleen Bennett, Attorney
Jeff Schiffer, Councilman
Darlene Rich Town Clerk

Others:

Ron Wiesing	Lorraine Limina
Matt Holland	Bill Eick
Mike Rich	John Pratt
Sharlene Pratt	George Phillips
Alana Koneski	A. Bushover
Julie Wolter	James Zelazny
Kirk Myhill	Yonic Parada
Brian Murray Sr.	

Called to order at PM

Pledge to the flag

Public Forum Regarding Agenda Items Only- there is one ad on resolution regarding Medina water rates. Limina did not see anything on the agenda regarding voting for the firm. We also haven't addressed the planning board's recommendation. Just don't want to run out of time. Attorney said we would be ok if we do it next month.

Comments- Old Business

Highway report- Dale-Truck maintenance continues. New truck was put away for the winter, still waiting for a build date. Had a power outage in November that created a smoke smell in the building. Out of caution the fire company was alerted. They came and found no apparent issue plus an electrician was brought in to inspect the wiring. Through shared services we sent manpower to assist the village and it was deemed secure. Generator was fired up. Village vac truck was called in to empty the septic tank as we do

once a year with their leaf cleanup for a few days. Sent men and leak detector to Yates to look for a possible leak. Water has been turned off at the cemeteries and they were cleaned up. Water was flushed and required samples were sent in. CPL came to test water pressure, so far so good. Water main in East Shelby to repair was difficult to locate as it was under the black top at the fire hall. Finish repair of the parking lot will commence in the spring. Seven overtime callouts with the snow last week. That totaled about 155 hours plus consumed close to 500 ton of salt. Proud of their response time and efforts. He asked the boards for authorization to enter into negotiations with three other towns and two villages on the possibility of purchasing a vac truck to be shared among a consortium. It's a large investment but we ask for its use often. He doesn't have a lot of specific information at this time. Right now, it's just who may want to enter into an agreement. Another matter brought to Dale is if the board wants to change our water billing process. He submitted an option today. Please come see him or Beth for clarification. He said there had been some controversy about young local elementary art teacher having art students in kindergarten and first grade with making and displaying their art work on the two trees in the foyer. He asked if the board members approve this or should it be stopped. He also asked for approval of the two resolutions needed to complete the New York State DOT paperwork for increase snow plowing mileage and to end the never-ending stacking of e waste.

Supervisor asked Dale about several pressure tests done. He said it was to approve the vault. Once sanitized, cleaned it has to be tested before they are allowed to turn it on. Supervisor asked if we supported the Elementary School last year. We did and Supervisor said yes go with it.

Attorney asked what a vac truck was. Dale said it's so we don't have to dig with the mini excavator. We can bring in the villages Vac truck or Carlton has one also and it's a huge vacuum cleaner that will pick up a stone as big as your head and it just cleans the area, we use to maintain safety for water coming into the pit. You don't usually have to call a stake out if you're going to use a vac truck to fix a water problem.

Seitz-Need to find out more about it.

Dale-They just want to know who's interested in the possibility, if we show interest then we can attend the meetings and we can come back with more information.

Assessor Report-Julie- Two houses have gone on the market, both over assessed value. Two houses have been sold both were over assessed value. She is getting ready to send out exemption renewal letters. They will be sent out the first of the year. All exemptions renewals are due by March 1st. On the agenda there is a resolution to re-appoint Marion Fry for a five-year term to the Board of Assessment Review. She looks forward to serving another term. Julie asked the board to please fill the fifth position on the Assessment Review Board. The position has been vacant for two years and it is good to have five people.

Supervisor asked the clerk if she had the ad. Clerk said she does have the ad and it was sent off to Bob at the Pennysaver so it will be advertised on Sunday and it's on the website.

Planning Board Report- Kirk- He sees on the agenda the board has taken the recommendations to re-appointing Roger Wilkins to another term on the planning board, and Mark Erway as the alternate. The moratorium is expiring the first part of February so it gives you two months and it means getting this to the county and back, public hearing. His recommendation is you can always extend it for another 6 months. He doesn't know where anyone stands on the board but our cutting it kind of short.

Attorney-Next month we will set it up for another six months and then we can start considering it.

Kirk said that way we won't be rushed into it. Its common practice that happens.

Code Enforcement, Zoning Report-Dan-He was on vacation the last half of October and the first several weeks in November. It was a good time of the year to do that its notoriously slow. Novembers report he issued three building permits. He did seven inspections to close out existing building permits with the certificate of compliance. He is completing the My Fire safety inspections that is required by the Department of State on public assemblies, they are required to be inspected once a year. He has completed two of them, Antioch Bible Baptist Church and Alabama Full Gospel Fellowship Church. He plans on the next several weeks to complete those. He will be attending Department of State required 24-hour training next month for 3 days to receive his 24-hour credit.

Historian Annual Report-Copies are available in the clerk's office

RESOLUTION NO. 126-24

RESOLUTION TO APPROVE TOWN CLERK REPORT (NOV)

Motion by Limina seconded by Seitz

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 127-24

RESOLUTION TO APPROVE TOWN BOARD MINUTES (Nov.12)

Motion by Seitz and seconded by Schiffer

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 128-24

RESOLUTION TO APPROVE BUDGET WORKSHOP MINUTES (Nov. 5)

Motion by Limina and seconded by Zelazny

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 129-24

RESOLUTION TO APPROVE BUDGET WORKSHOP MINUTES (Nov. 12)

Motion by Seitz and seconded by Schiffer

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 130-24

RESOLUTION TO APPROVE PRELIMINARY BUDGET PUBLIC HEARING MINUTES (Nov.18)

Motion by Seitz and seconded by Limina

Discussion-Zelazny wants to make sure the emails read at that meeting are entered into the minutes. Attorney said they can be attached to the meeting minutes.

Ayes-5
Opposed-0
Motion carried

RESOLUTION NO. 131-24

RESOLUTION TO APPROVE TO PAY CLAIMS AGAINST THE TOWN

Motion by Schiffer and seconded by Seitz

Discussion-Limina-We did receive financial reports today from LGSS letting us know where we stand basically through November 2024 with our expenditures.

Attorney- regarding financials that Linda mentioned. Its abstracts through November but its payroll through October. Its everything that was posted but it does not reflect payments that are manually entered such as debt service. It also does not reflect the budget amendment on the DA 5130.200 account which was for the payment of the truck.

DB Fund- CHIPS and payroll was over in the account but LGSS will recommend the board can approve transfers within the DB Fund, for example there is a contingency in the DB fund that has money available that can be used to cover the payroll and then contractual expenses has money left over that can be used to cover the overage in the CHIPS.

Hwy Supt-On the budget he put 240,000. That's up because you don't know what they are going to take out but he had a letter that said 260,000. He said they were always told is always an able to amend the budget with the letter.

Attorney- Said they can do that if he shares the letter. That can be done at the year-end meeting.

General - \$119,149.40
Highway - \$57,068.71
Water 1 - \$506.17
Water 2 - \$80.29
Water 3 - \$346.59
Water 4A - \$290.26
Water 4B - \$310.90
Water 5 - \$26.43
Water 6 - \$239.87
Water 7- \$ 177.52
Water 8 - \$293.15
Water 9 - \$159.58
Water 10 - \$106.72
Water 11 - \$133.15
Water 12 - \$300.28

Ayes-3
Opposed-0

Abstain-Limina, Zelazny. Limina said she abstains only because they just got these reports right before she walked into the meeting so she hasn't had a chance to look at any of them

Motion carried

RESOLUTION NO. 132-24

RESOLUTION TO SET DECEMBER 30TH AT 6:00 PM FOR YEAR END MEETING

Motion by Limina and seconded by Seitz

Ayes-5

Opposed-0
Motion carried

RESOLUTION NO. 133-24

RESOLUTION TO SET JANUARY 3RD AT 6:00 PM FOR ORGANIZATIONAL MEETING

Motion by Seitz and seconded by Zelazny

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 134-24

RESOLUTION TO REAPPOINT MARION FRY TO BOARD OF ASSESSMENT REVIEW STARTING SEPTEMBER 2024 FOR FIVE YEARS, EXPIRING SEPTEMBER 2029.

Motion by Schiffer and seconded by Limina

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 135-24

RESOLUTION TO REAPPOINT LARRY SAZTKOWSKI TO A FIVE-YEAR TERM ON THE ZONING BOARD WITH TERM EXPIRING ON DECEMBER 2029.

Motion by Schiffer and seconded by Zelazny

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 136-24

RESOLUTION TO REAPPOINT ROGER WILKINS TO PLANNING BOARD FOR ANOTHER TERM EXPIRING DECEMBER 2029

Motion by Schiffer and seconded by Seitz

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 137-24

RESOLUTION TO REAPPOINT MARK ERWAY AS PLANNING BOARD ALTERNATE WITH TERM EXPIRING DECEMBER 2025

Motion by Schiffer and seconded by Limina

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 138-24

RESOLUTION WITH RESPECT TO THE HEMLOCK RIDGE HOST COMMUNITY AGREEMENT

Motion by Seitz and seconded by Schiffer

RESOLUTION OF THE TOWN OF SHELBY AUTHORIZING A HOST COMMUNITY AGREEMENT WITH HEMLOCK RIDGE SOLAR, LLC AND THE WAIVER OF PAYMENTS IN LIEU OF REAL ESTATE TAXES (PILOT PAYMENTS) IN CONNECTION WITH THE HEMLOCK RIDGE SOLAR PROJECT IN THE TOWNS OF BARRE AND SHELBY

WHEREAS, Hemlock Ridge Solar, LLC (the “Developer”) has proposed to construct and equip an approximately 200-megawatt (MW) AC solar energy generation project in the Town of Barre and Town of Shelby (the “Project”) and has requested real property, sales and mortgage recording tax incentives from the County of Orleans Industrial Development Agency (“COIDA”), including a payment-in-lieu of tax (“PILOT”) agreement providing for payments to the respective taxing jurisdictions to be calculated on a per-megawatt (MW) basis instead of on the assessed value of the Project; and

WHEREAS, by letter dated August 11, 2021, the Town of Barre informed COIDA that the Town Board of the Town of Barre had adopted a resolution requesting that COIDA assist with the development of a PILOT agreement for the Project; and

WHEREAS, by resolution adopted on December 14, 2021, the Town Board of the Town of Shelby requested COIDA’s assistance in connection with the negotiation of a PILOT agreement for the Project; and

WHEREAS, COIDA thereafter convened and moderated a series of discussions with representatives of the Town of Barre, the Town of Shelby, the County of Orleans, the Albion Central School District, the Medina Central School District and Oakfield-Alabama Central School District (each an “Affected Tax Jurisdiction” and collectively, the “Affected Tax Jurisdictions”) and the Developer to help develop the terms of an agreement for the Project; and

WHEREAS, the Developer has agreed to a payment structure that would pay the Affected Taxing Jurisdictions an aggregate of Four Thousand Five Hundred Dollars (\$4500.00) per megawatt of Project installed capacity (“Aggregate MW Payment”); and

WHEREAS, the Town of Shelby’s negotiated share of the Aggregate MW Payment is approximately \$324 per megawatt of Project installed capacity (the “Shelby Share”); and

WHEREAS, the Town of Shelby has informed COIDA that the Town of Shelby anticipates entering into a separate agreement with the Developer that will provide specific benefits to the Town of Shelby, including payment(s) from the Developer in the amount of Shelby Share (“Host Community Agreement”) instead of receiving the Shelby Share through a PILOT agreement; and

WHEREAS, each of the other Affected Taxing Jurisdictions have also expressed to COIDA that they anticipate receiving their respective shares of the Aggregate MW Payment either through separate host community agreements or, in the case of the school districts, through education contribution agreements

WHEREAS, in view of the benefits to be received pursuant to the Host Community Agreement, the Town of Shelby is willing to waive and relinquish its right to receive PILOT payments pursuant to the PILOT agreement between COIDA and the Developer.

NOW, THEREFORE, THE TOWN OF SHELBY HEREBY RESOLVES AS FOLLOWS:

1. The Town of Shelby is hereby authorized to enter into the Host Community Agreement with the Developer, upon such terms as are to be negotiated with the Developer and subject to final approval from the Town Board.
2. The Town of Shelby hereby waives the right to receive any PILOT payments under the PILOT agreement between COIDA and the Developer, including any rights under the General Municipal Law (GML) to recover payments and any late payment penalties under GML Sections 874(5) and GML Section 874(6).
3. The Town of Shelby hereby consents to any non-proportional allocation of PILOT payments pursuant to the PILOT agreement to be entered into between COIDA and the Developer in connection with the Project and is authorized to execute a PILOT allocation agreement as may be necessary or appropriate to reflect such consent.
4. The Town of Shelby is hereby authorized to take such steps and actions and to execute any and all necessary documents, agreements and/or modifications thereto as may be reasonably necessary to effectuate the purpose and intent of these resolutions.
5. These resolutions shall be effective immediately.

Discussion-Attorney-emailed resolutions to the board. Basically, you are not entering into a pilot, you're going to take the money that Hemlock Ridge is paying for a host community agreement and that aggregate Megawatt payment is approximately \$324 per megawatt is the Shelby share per year.

Limina-this basically turned out to be the same amount as the pilot, they ae just doing it it a different way

Attorney- yes rather than enter into a pilot the towns and the towns and the count have opted to take that payment through a host community agreement and the schools are taking it through a public education benefit payment or something like that so that way the IDA doesn't need to administer the Pilot or the payments.

Supervisor- said that comes out to \$64,800 annually.

Roll call vote: Schiffer-aye
Seitz-aye

Limina-aye
Zelazny-aye
Wengewicz-aye

Motin carried

RESOLUTION NO. 139-24

RESOLUTION TO ENTER A SUPPLEMENTAL AGREEMENT WITH STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL MILEAGE FOR THE 2024-2025 SEASON

Motion by Seitz and seconded by Schiffer

Discussion-Limina-Can you tell me what this is?

Dale-State of New York came to them in the fall when the Town of Ridgeway gave up plowing 31E from Marshall Rd to Salt Works Rd. so they added that to the agreement so there is a supplemental they had to change the contract and they needed a resolution accepting the supplemental agreement for those miles. He said it is 29 miles that they do but doesn't have the exact number but basically Marshall Road to Salt Works Road can't be 3/4 of a mile so its not much. Supervisor asked if the next resolution is to extend the contract we have now. Dale said yes. Its to extend it and have a five-year extension to include this year. Dale explained how we are poling the whole block. Zelazny asked about the pay for doing this. Dale said it's on a percentage at the end of the year as to how much snow. They determine the payment.

Limina asked if the attorney read the contract.

Attorney-said she had not seen the contract.

Limina asked if we should be voting on it if we haven't seen it.

Dale said it was the same agreement we have had with the state for decades.

Attorney said if it's the same and it's just changing the miles then she is ok with that.

Roll call vote:

Schiffer-aye
Seitz-aye
Limina-aye
Zelazny-aye
Wengewicz-aye

Motion passed

RESOLUTION NO. 140-24

RESOLUTION TO ENTER INTO A FIVE-YEAR EXTENSION OF SAID CONTRACT WITH NYSDOT EXTENDING THE PLOW AGREEMENT TO INCLUDE 2024-2025 SEASON (So it's starting this year for five years)

Motion by Limina and seconded by Seitz

Roll call vote

Schiffer-aye
Seitz – aye
Limina – aye
Zelazny – aye
Wengewicz – aye

Motion passed

RESOLUTION NO. 141-24

RESOLUTION FOR THE TOWN ATTORNEY, KATHY BENNETT, TO DRAFT A LETTER TO THE VILLAGE OF MEDINA REGARDING THE WATER RATE NEGOTIATIONS

Motion by Seitz and seconded by Schiffer

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 142-24

RESOLUTION TO ACCEPT BID FROM SINGLE SOURCE ACCOUNTING TO PERFORM ALL ACCOUNTING SERVICES FOR THE TOWN OF SHELBY NOT TO EXCEED \$67,000

Motion by Seitz and seconded by Schiffer

Discussion-Zelazny- Is there a detailed scope of work they will be doing?

Supervisor said-basically they are going to be covering all the accounting practice. To start off they will be doing all of our books, all of our reconciliations, everything that bookkeeper used to do they will be doing. They will also temporarily, we will see of possibly doing the vouchers and that's what we need to discuss also.

Supervisor asked if they wanted to discuss and accept their bid of doing vouchers.

Zelazny said did they want to accept the bid to doing vouchers.

Zelazny asked if there are coming on site.

Attorney said she knew Linda had reached out and was trying to find that email.

Limina said it was the requirement of the RFP that they must come on site, she thinks it was a minimum of three days a month or once a week. She thinks in the follow up she wanted a three-month period to be able to see what time it was going to take and hopefully be able to whittle it down and give us a more determined amount.

Attorney read the email she sent to Limina in terms of what they are proposing. Month to month recurring work would include payroll processing, journal entry, bank reconciliation for all accounts, recording deposits and cash transfers, review of claim vouchers and issuing vender payments, report generation and monthly meetings with the board to review the results and answer questions before the public town meeting for those services they estimate, 278 hours total approximately 23 hours per month for \$45,000. If the claim vouchers are entered by Single Source personnel into the town accounting system that will be an additional 80 hours to their time which is an additional 7 hours per month or approximately \$56,000 a year. Included in both for the budgets is annual budget preparation 32 hours, annual town audit assistance 32 hours. Attorney clarified for the public that is not the audit the still needs a separate auditing firm because the entity that does the bookkeeping cannot actually audit their work but they will do whatever is necessary to help prepare any information that the auditing firm needs so that's what that audit assistance line is and then attend full public town meeting in addition to meeting with the town board. They also included with the budget

audit and the public meetings their range with inputting claim vouchers is \$63,000-\$67,000 a year.

Supervisor said to make that not to exceed \$67,000

Roll call vote:

Schiffer-aye

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Motion carried

Board Comments

Zelazny- remote access to cameras. Wondering when he is going to get on that. Attorney said there should be some sort of policy that the board implements with respect to all of that type of information and access. The board decided to table it and come up with some sort of a policy.

Attorney-Updated everyone on the terms of completing the books for the 2023 and 2024. Nicole from Drescher & Malecki was here today to get some additional information that she needs. She is very close to having everything done for 2023. Her recommendation is once she completes 2023 that we give that information to the auditor for review and make whatever adjustments he's going to make apparently, he made a number of adjustments for 2022 that never got inputted because we didn't have numbers for 2023. So, we've got to go back and do the 2022 adjustments that Joe Naples has recommended and then she wants him to review the numbers for 2023 and make any recommendations with respect to adjustments Joe happened to also be in today and figure that Nicole will finish 2023 by the end of this year and then she will give that information to Joe. It was very clear to Joe that he would need to turn around the audit as quickly as possible on 2023 and then we could start 2024. Joe said he could have it in two weeks. In terms of 2024 in talking with Tina from LGSS to talk about reports and will come up with something for reporting. Tina has already started 2024. She is hoping that Tina and Nicole can have everything for 2023 and 2024 all wrapped up and reconciled by March 2025. She also discussed in terms of Williamson Law. Nicole has said the problem is twofold. The first problems are that the accounts weren't brought into Williamson correctly, they created new accounts and then some accounts were not brought over so there was a huge problem with the set up. In addition to that both Nicole and Tina have told them that things Williamson Law does for other towns and what it can and what it can generate isn't working correctly for Shelby. Attorney she they have reached out to Williamson multiple times and have requested the assistance of a gentleman named Ted who was the guy signed on to help us, he provided a certain amount of assistance up to a point. One of the reasons Nicole was delayed was because Ted couldn't be bothered to respond for weeks. She reached out a couple times. Attorney reached out to Scott and said they need to talk to someone higher up at Williamson which led to an interesting email back from Williamson saying they have already provided more support and they have ever provided anybody else. And if they want any more assistance from them, they are going to have to pay for it. She is going to write them a nasty little letter back and suggest that we want some of our money

back since there were all the issues with the creation and there are still continuing issues with how its functioning for us that is not used error. It appears it in in fact Williamson Law error. Now that not to say there weren't also some bookkeeping errors that were made because Nicole has also found that there were bookkeeping errors that were made but there were also problems with Williamson Law. Attorney said she would not move forward with Williamson Law.

Limina-Asked if Nicole had a recommendation for another software.

Attorney said she didn't ask her. She said they would ask whomever we would be moving forward with.

Limina said we might want to get a couple recommendations from different people and look ourselves before we end up in the same situation with the next software.

Attorney said we should also ask Single Source.

Limina said there are people out there that do software consulting. Thinks we should have a couple options to look at.

Attorney said we should also talk to Single Source too since we probably not going to have final 2024 numbers until February or March 2025. Maybe they could do it on an excel spreadsheet until we get a software company.

Limina said and the woman that worked for state might have some software options of things that she has seen in her auditing years that might be helpful also.

Attorney said she wasn't in favor of a change with everything but what she heard from Nicole and Tina and getting the email back from Williamson Law her recommendation is that the board make some sort of change. She said she did not come to that decision lightly.

Supervisor said we did not set up the software. Williamson set it up and transferred all of the information. We asked Williamson to fix it and they hung us out to dry.

Public Comments

John Pratt-Just spent of our money out of ARPA fund for a new truck. That was the wrong move to spend the ARPA money on that truck.

Attorney said the ARPA money needed to be spent by the end of this year so it had to be spent of something by the end of the year 2024. Pratt said allocated. Attorney said yes. Attorney said yes Pratt was correct it needed to be allocated by the end of the year. The policies that were gone over and changed were they the policies that we had here. Attorney said they are new policies that were provided by Nicole from Drescher and Malecki. Pratt asked about the outhouses at the cemeteries. Dale -Hwy Supt said they left them there but not charging us for them. Pratt asked what it is costing to store the new truck. Dale said \$450 for the season. Pratt asked if there is nothing we can move outside under the lean to on the side of the building. Dale said the old grader is sitting outside, plus another truck we use as a spare. Pratt asked about the new trailer and what a pain it was going to be to share services to get the trailer when needed to use it. Now we are looking at a vacuum truck with probably twice as many people having money in the game, what kind of deal are we going to have there. That's his question looking down the road are we going to have it available is it going to sit here or do we have to go to Ridgeway or somewhere else to get it.

Supervisor asked Dale if we have insurance on the new truck. Dale said yes.

Supervisor asked if there is damage where truck is sitting it is insured?

Limina said the agreement with the invoice language in there said something about not being liable for Fair Haven Treasures has no responsibility for loss of, damage to or destruction of the vehicle while in storage or on the grounds regardless of cause. Dale said its insured so we can be able to move it. Limina said if the truck is insured but is unsure if our insurance company list that as an additional site that's covered. Attorney said we should. Dale said he would handle that. Supervisor asked to let him know when it's done.

Motion by Limina, second by Zelazny to adjourn the meeting at 7:26 pm

Respectfully submitted,
Darlene A. Rich, MMC, RMC
Town Clerk