

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

Oct 10, 2023   7:00pm

**Please note:** We are live streaming our meetings through YouTube.  
See [www.townofshelbyny.org](http://www.townofshelbyny.org) and click on the link.

Present:     Scott Wengewicz, Supervisor  
                 Steve Seitz, Councilman  
                 John Pratt, Councilman  
                 Ed Zelazny, Councilman  
                 Jeff Schiffer, Councilman  
                 Darlene Rich, Town Clerk  
                 Kathleen Bennett, Attorney  
                 Claude Grimes, Constable  
                 Jim Conway, Constable  
                 Dale Root- Highway Supt.  
                 Dan Wolfe, Code Enforcement Officer  
                 Kirk Myhill, Planning Board Chairman  
                 Miranda Bennett, Bookkeeper

Others	Michael Rich	Sharlene Pratt
	Alan Bushover	Leona Weese
	Linda Limina	Brian Murray Sr.
	Julie Wolter	Bill Wolter
	Brian Murray Sr.	Gabrielle Barone
	Karen Jones	Alana Koneski
	Jim Heminway	John Parada
	Bob Bracey	Joanne Bracey
	James Zelazny	Mark Erway
	Joy Waters	Lawrence Waters
	John Parada	Bill Eick-Co. Leg
	Tom Rivers	Gabrielle Barone
	Joe Root	Julie Cecchini
	Anne Misiti	

Called to order at 7:00 PM  
Pledge to the flag

Public forum regarding agenda items only-There are two add ons – a resolution in reference to the STAMP law suit and the second add on is a resolution to employ a law firm .

Highway Report: (Dale Root)-Attended fall conference. Learned a few things and was able to network with his peers across the state. Room looks nice, with painting from the Job Corp. and carpet from Brockport. Weed spraying valves and hydrants done for the year. Roadside mowing will commence again after crops have been harvested. Foundations are being poured in the 2 cemeteries and on track to set 2 more military stones this week. Had a few burials and plot sales. Generator pad was poured and the generator has been set. Able Electric is on schedule to connect this month. With the help of Town of Barre and their specialized water trailer we continue to exercise valves and hydrants. Purchased a tree and planted it to repair the one that was injured during a ditch clean up. He said he and department will miss Dorothy Nolan. She facilitated a program with the school art teacher to having her pre-K up to grade 1 or 2 grade children create a monthly theme to display on the trees in the foyer. With help from the county, they are filling potholes. Trucks are being serviced. Water Supt continues to test and flush. Lead and copper test was done, no issues. Stake outs performed.

Assessor Report: Trisha Laszewski excused. Julie Cecchini, the assessor's clerk gave her report. She has been working with Trish for the past 6 years. She will be taking over in January when she retires. Thought she would come to her first Shelby Town Board meeting. Houses are still selling. They are selling way over assessment. They have probably had 20 houses sell since July other than that everything is going well. She is ready to take over in January.

Planning Board Report: (Kirk Myhill)-Started off at the meeting giving a breakdown how the storage facility is going on Maple Ridge Road. It's been in the works for probably about 2 years now. It's on the corner of Maple Ridge Road and Shelby Basin Road. He has all the stone put in. He has poured one pad for one building. It's been a long process to get him going on this. He informed his board members that there is a 4-hour state training at NCCC October 24. He told them to call Niagara County and get their name in. They are only allowing 75 people. He also informed them there is a training session in the Finger Lakes area that's going to cost money. None of his board members have ever taken it but he gave them the

option and told them if they want to go to that to get ahold of Orleans County and they can get more information. If they chose not to do any of that last resort is Orleans County website still has training on there. They are working on the by-laws and hopefully at the end of the meeting he can give a copy to our attorney and she can review it. They need to be updated.

Zoning & Code Enforcement Report: (Dan Wolfe)- Slow month. Issued 2 building permits. One for an attached deck and one for a storage shed. In the last few weeks, he has investigated several complaints, actually they are courtesy complaints regarding open sewage. For the public's information it is a health department issue although being a resident of the town and your code enforcement officer and knowing a lot of people, if there's an actual violation and he does get in contact with the Orleans County Department of Health and he will go in and investigate it. Maybe he can remedy that violation with just a talk. Also, he is going to go on vacation in another week and a half for 3 weeks in Florida. The Town of Shelby will not be without code enforcement. This for the public's information is a town provided phone. He works Monday and Tuesday for the Town of Shelby, and the rest of the week he answers the phone. He answers the phone when he is in Florida. He enjoys working with the residents of the Town of Shelby so if you have an issue, code enforcement question, please call.

#### **RESOLUTION NO. 69-23**

#### **RESOLUTION TO APPROVE MINUTES OF THE SEPTEMBER 12, 2023 PUBLIC HEARING MINUTES**

Motion by Councilman Pratt and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

#### **TABLE- RESOLUTION TO APPROVE MINUTES OF THE SEPTEMBER 12, 2023 TOWN BOARD MEETING MINUTES -NOT COMPLETED**

#### **TABLE- RESOLUTION TO APPROVE SPECIAL MEETING MINUTES OCTOBER 10, 2023 -NOT COMPLETED**

#### **RESOLUTION NO. 70-23**

#### **RESOLUTION TO APPROVE TOWN CLERK'S REPORT (SEPTEMBER)**

Motion by Councilman Pratt and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

**TABLE- RESOLUTION TO APPROVE SUPERVISOR REPORT  
(AUGUST) NO REPORT**

**TABLE-RESOLUTION TO APPROVE SUPERVISOR REPORT  
(SEPTEMBER) NO REPORT**

**RESOLUTION NO. 71-23**

**RESOLUTION TO PAY CLAIMS AGAINST THE TOWN**

General-	\$	22,739.66	Water 6-	\$	12,430.76
Highway-	\$	13,121.23	Water 7-	\$	8,775.03
Water 1-	\$	17,731.59	Water 8-	\$	5,123.34
Water 2-	\$	2,386.67	Water 9-	\$	4397.78
Water 3-	\$	9,023.09	Water 10-	\$	2,202.59
Water 4A-	\$	13,163.73	Water 11-	\$	2,935.55
Water 4B-	\$	10,246.68	Water 12-	\$	5,141.84
Water 5-	\$	1,559.34			

Motion by Councilman Zelazny, and seconded by Councilman Pratt

Ayes- 5

Opposed- 0

Motion carried

**RESOLUTION NO. 72-23**

**RESOLUTION TO SET PUBLIC HEARING FOR PRELIMINARY  
BUDGET AT 6 PM ON NOVEMBER 9, 2023**

Motion by Councilman Seitz, and seconded by Councilman Zelazny

Ayes-5

Opposed-0

Motion Carried

**RESOLUTION NO. 73-23**

**RESOLUTION AUTHORIZE ALL UNPAID WATER AND DEBT SERVICE CHARGES BE LEVIED TO THE UPCOMING 2024 TOWN AND COUNTY TAXES**

Motion by Councilman Pratt and seconded by Councilman Seitz

Ayes- 5

Opposed- 0

Motion carried

**RESOLUTION NO. 74-23**

**RESOLUTION TO INTERVENE IN THE LAWSUIT COMMENCED BY ORLEANS COUNTY AGAINST THE GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER**

Motion by Councilman Seitz and seconded by Councilman Schiffer

Ayes- 4

Opposed- Zelazny

Motion carried

**RESOLUTION NO. 75-23**

**RESOLUTION TO OBTAIN AN INDEPENDENT LAW FIRM TO INVESTIGATE ALLEGATIONS OF HARRASSMENT AT THE TOWN OF SHELBY**

Motion by Councilman Schiffer, Seconded by Councilman Zelazny

Discussion- Councilman Pratt asked if Supervisor would explain so people will know what is going on. Supervisor told him to go ahead. Councilman Pratt said he asked if the Supervisor would like to explain. Attorney Bennett said in light of the fact it would be a legal investigation she would say refraining from specifics but there have been certain instances of harassment and when those types of allegations are made generally the next step that counsel advises is for an independent law firm to come in and investigate those claims. They would conduct interviews with people and then come out with a recommendation if they feel like there has been any truth or substance to those claims so in light of allegations and remarks that have been made, she felt it was prudent to suggest to the board that they consider retaining an independent firm to look into that. Supervisor asked if there were any discussions. Councilman Zelazny asked how much money was this going to cost or an estimate. Attorney Bennett said she would have no way of knowing that. It would be an independent firm, certainly it is something you could discuss with whomever is

retained to look into that. Councilman Zelazny asked if the state would come into look at that and investigate it. Attorney said there is a process where people feel that they have been aggrieved, she believes can file complaints that has not occurred here and she is not familiar with the state coming in just because a municipality asked them to come in and look into these types of allegations

Zelazny-Aye

Pratt-Aye

Seitz-Aye

Schiffer-Aye

Wengewicz-Aye

Motion carried

#### Board comments –

Councilman Seitz-read a letter from ex-employee, Dorothy Nolan that he wanted to read. She said office politics was reason for her resignation. Town clerk responded to the letter from saying she did not know of any issues and we got along and the only office politics we talked about was her cousin running for town clerk and it would be nepotism for the deputy clerk to work for her as they were first cousins. The letter of resignation stated office politics for reason of resignation however she was hugging me and crying saying she was offered a job back at the hospital for more money.

Jim Heminway- The one thing added to the agenda intervene in the lawsuit in the county. From what standpoint, are you joining the lawsuit or are you objecting to the lawsuit and intervening on behalf of the town of Shelby? The work intervene certainly means something different. Attorney Bennett said joining the lawsuit on behalf of the Town of Shelby. Jim Heminway said he was just looking for clarification.

#### Public comments-

Lawrence Waters Sr.-Asked Councilman Zelazny what is the date frame for the LED lighting? Supervisor said this is only comments, no questions and answers. Only 3 minutes for comments. Councilman Zelazny said he would talk to him after the meeting. Any response from the county on tax sharing revenue? After silence Mr. Waters said so we are not answering questions? Supervisor said he can answer that and he has not heard nothing from the county on that. Larry Waters said selective answers. Supervisor said from now on if you guys want answers to questions give them to us ahead of time and they will get the answers. Otherwise, if he doesn't know the answer it gets old. Mr. Waters says it does get old and it's a cycle of I don't know but I'll get you an answer and then there is never a review of the minutes and there is never answers to questions that were asked 3, 4 or 5 months ago. And then these people just don't show up. They just give up. He

feels like he has to not miss a meeting because he has to hold people accountable to their positions. Mr. Pratt published a letter to the editor in the Hub with some accusations that I would hope he would share with the people of the town here. This is the exact reason why people come here. In the fall months as your heading west down main street in Shelby Center toward the stop sign, the sun is in such a way you cannot see the stop sign and there have been occasions where people have driven through that intersection, there have been t-bone accidents. Just curious if there could be a stop ahead sign. A few months ago, he talked about the maintenance fee on the water bill and he had asked about consideration moving that to the tax bill. It was just a recommendation hoping you would take a look and wondering if there was discussion and perhaps doing that. Supervisor said there has not been one yet. Is there any time frame perhaps before winter when you would have the balloons going up for the windmill. Attorney Bennett said she had reached out to the applicant and they requested to go back to their consultant to have their consultant to do that work with some oversight from the town or towns involvement to know when it was going to be done so people could go. She hasn't heard from them in 6 weeks so is not sure what the status is at this point. Certainly, if they are made aware of it that would be put out on the towns website. The storm grates along Route 63 along Blair Road, when they redid the pavement those were not raised up. Dale Highway Supt. said it is a state highway. He will contact the state about that. Councilman Seitz said on that stop ahead sign he is requesting because the stop sign is on the state road, he would have to contacted about putting up a stop ahead sign. Councilman Seitz said he could talk to Dale if he wanted to make the call to the state

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Motion by Councilman Seitz and seconded by Councilman Zelazny to adjourn the Town Board Meeting at 7:28pm

Motion carried

Respectfully submitted,

Darlene Rich, MMC, RMC  
Town Clerk