

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

April 8, 2025 6:00 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
Kathy Bennett, Attorney
Darlene Rich, Town Clerk
Dale Root, Highway Supt.
Julie Cecchini, Accessor
Kirk Myhill, Planning Board Chair
Dan Wolfe, Code Enforcement Officer
Cassandra Boring-Confidential Secretary to Supervisor
Claude Grimes, Constable
Jim Conway, Constable

Others:

Alana Koneski	Jim Heminway	Karen Jones
John Pratt	Sharlene Pratt	Lorraine Limina
Alan Bushover	Steve Fuller	Chris Limina
Julie Wolter	Bill Wolter	James Bieliski
Mike Fuller	Kelsi Nice	Deb Padoleski
Clayton Zelazny	George Phillips	Zach Myshkoff
Phil Rudnick	Jim Zelazny	Bill Maryjanowski
Leona Weese	Mike Rich	Carol Carlina
Dennis McDonald	Brian Murray Sr.	Anne Misiti
Yonic Parada	Barb Daluisio	Donna Smith
Mary Zelazny	Scott Carlton	Joseph Sidonio
Joy Waters	Larry Waters	David Strong
Maguerite Sherman	Jon Sherman	Jason Foote
Sarah Bowser	Gabrielle Barone	Christine Mason
Tim Elliott	Matthew MCKrell ((Erdman Anthony))	

Called to order at 6:04 PM
Pledge to the flag

Public Forum regarding agenda items-add on resolution for Tompkins Insurance

Presentation-Sarah Bowser -Single Source- received 2024-year end numbers from LGSS. Currently working on getting everything tied out to enter into QuickBooks. As of the May board meeting all required reports that need to happen going back to January so bank reconciliation, supervisor reports working getting all of that entered into quick books and all of the reports caught up from January to current. She has been talking to Tina over the last week to make sure she understands all the reconciliation that she put together so they will make sure there is consistency and flow going forward from 2024 to 2025. Tonight, we have budget to actual report and just continuing putting together the standard operating procedure for the town as far as vouchers, payroll, processes. Expects procedures to be done in May. She is planning to meet with Beth from the water department to understand the water billing process and make sure it is properly recorded in QuickBooks. She was hoping to figure out the individuals and companies that needed to have the 1099 issued. It turned out the needed information was not in Williamson Law Book and that's when we turned it over to their tax department in their firm to process it from there so she had time before it was turned over to the tax department to handle the actual creation of the 1099's. She had time going through the files and the records. So, she basically had to recreate the 1099's from 2023 but she worked with Cassie to identify who needed 1099 for 2023. Cassie reached out to obtain information for that.

Limina- Was it a concern for you that we may not have done 1099's for 2024. Is that something we need to check on?

Supervisor -there was a letter they got from the state on something that wasn't not done.

Sarah-thinks it was a letter from the federal government regarding a variance between the W3 for 2023. The federal government had a question on the W3 that was submitted for 2023 that would have been submitted last year prior to their firm coming on. So, she believes that they are looking into that further.

Supervisor -When they couldn't find the 1099 supervisor contracted Miranda and she said yes all of the information is in Williamson. He got ahold of Tina and couldn't get anything out of it. Everything was filed last year but they can't find it. So that's why Cassie and Sarah had to do it.

Limina-That's just a data base.

Zelazny-Wouldn't it be filed somewhere in the town? Supervisor said we do have hard copies and we will have to search the vault.

Limina-curious as to how we could prepare them if the information was not in Williamson

Cassie-went through every vendor and was not a single 1099 and when she contacted Williamson, they said you just put in the information in and it prints out

Limina asked if she knew roughly how many 1099's they did.

Sarah said she didn't have an exact number but it wasn't many. She believes it was under 20 at least for 2024.

Limina-timeclock issue, correction on highway department. Has it been resolved?

Cassandra Boring- Margaret and her called EBC and there was a set system so when they checked in at certain times it would automatically clock them back in if it was over a certain amount of period so we checked in so they have an open day so when they clock in their very next punch is a clock out so it is resolved.

Limina-for the month of February you have about 35 hours. Is that what you anticipate it should be?

Sarah-She anticipated it will go down now that they are getting a system in place. She anticipates a little more time as they get the water situation figured out just making sure they understand the water billing and receiving processes.

That is the last piece to get together. Then they should begin to even out.

CPL-Jason Foote- Update on the status of the transition from Village of Medina water to Royalton water. Western half is receiving water temporarily from the Town of Royalton through two feeds. One on Johnson Road and one on Freeman Rd. Both of those feeds are connected to the transmission main. 16-inch transmission main on Griswald. There are one-way meter vaults at the town line which prevents water from re-entering back into Royalton. Last week performed fire flow tests. Working with the water dept. we looked at Harrison Rd. the rest of Rt. 63 South towards Fletcher Chapel, Edwards Rd and Bigford Rd. so that is the next section we would like to target it to transition and as we do this, we want to do it a little slow and let things kind of stabilize. Right now, with the exception of putting a new vault in we have really just been turning valves. There has been very little cost to the taxpayer.

Attorney- Could you explain again why so much water has to be flushed annually.

Jason- Currently the water travels east to 31 goes to through big tank prior to the transition, went to the big tank on 31 by the ethanol plant. It was pumped down East Shelby Rd. Fletcher Chapel Rd. all the way toward the west end so the west end of the system was the dead end and it was a long way all the way around the town so now that the water's coming in directly from the west side that waters fresher, cleaner and we are not flushing. You know Freeman Rd. was a very large huge quantity there being flushed annually so at the end of Salt Works Rd. all of those were just long dead ends so now the waters can kind of flop coming in from the other way. Again, it's just improving water quality and you're probably going to reduce flushing because you don't have these long dead ends anymore at the other end.

Zelazny- Is the water comingling together with Royalton and Village?

Jason-Currently its isolated. Currently the way it is right now about half is coming through Medina, half is coming through Royalton. Obviously, there is a difference in rate. There is a hybrid water rate at this point in time you could just say all right we're not going to do anymore let's leave it as it is. We could come up with what we think is a hybrid water rate which would lower it because you are receiving less expensive water directly from Royalton. Obviously, the more water you use the more savings. Moving forward another area has been identified to transition. They will do some more fire flow tests and see when they get to a point, if they don't think they can do anymore they will calibrate our water model in the computer and then see potentially what improvements they can take. Maybe there will be another feed they can add on West Shelby Rd., make a loop on Dunlap Rd. and go up Sanderson Rd. There are some other things you

could do to potentially serve more of the town but at this point you really haven't invested a lot of money

Zelazny-How's is it going to affect the water pressure with farmers using the water and irrigating off the hydrant?

Jason-if there is a drop in pressure it will allow more water to come in.

Limina-What is a PRV?

Jason-Pressure reducing valve. The transmission main water pressure on the 16-inch transmission main on Griswald Road in Royalton is higher than what it is in Shelby there is special valves and vaults at the connection points to reduce that pressure down coming into Shelby.

Zelazny- Pressure is provided with the booster pump it automatically comes on in Royalton. Is that in a main line or is it on a smaller diameter?

Jason-Booster pumps would be back in Niagara County, there are no water storage tanks in the system so it behaves a little differently. The pumps ramp up but all the pumps do is just maintain a set pressure and if it starts to drop in will just speed up and similarly with the PRV valves will open to allow more water into Shelby. The system doesn't know if it's a normal demand, if it's a fire. It's just set maintaining a set pressure and it's happening automatically. When they were doing the fire flows those valves opened PRV valves and the pumps just automatically ramped up to supplement that fire flow.

Seitz-If something happened to one of the pumps or something on that PRV valve is there a backup pump to keep the system running?

Jason-You're talking in Niagara County- absolutely. There is redundancy with their system. Obviously, the Niagara County system is serving all of Niagara County so there is redundancy in that. And at the end of this we could still maintain the pump station on 31 and the tank and utilize that.

Supervisor- you want 2-3 months for this to stabilize.

Jason-Yes and a lot of it is gathering data and making sure one of the big things when we transition the hamlet, that is an older part of the system, they are a little concerned, water is flowing in a different direction, the pipes are old, you could have discoloration just because the flows are coming differently. Don't think they have had any reports of that. The pressure in the hamlet increased 5-7 psi. They knew the pressures were going to go up but again being an older system, we just want to take it slow and they have identified the next section to be transitional which would just be opening valves, closing valves and shutting it off from the village and keep migrating that water from Royalton to the east

Limina-asked difference between static pressure and residual pressure?

Jason-static pressure would be putting a gauge on a fire hydrant or in our house you can see what the pressure is in the main. For the most part that should be pretty stable. If you have a water storage tank you might see a 5- or 10-pound fluctuation with the pressure in the tank going up and down, in your situation you just basically would have valves, PRV valves maintaining a set pressure, that static pressure is probably pretty stable within a pound or two all the time. The residual pressure is kind of the left-over pressure in the system when you're doing a fire flow. You would open a fire hydrant and the next fire hydrant down we would measure the residual pressure so they would measure the static pressure without flowing the hydrant, open the hydrant up and then

they would read that other hydrant to see how it dropped and in most cases there was minimal if any drop which is basically telling him that sense that there's a low drop in pressure they open more and just feed more water into Shelby.

Limina- is there a limit so at some point can you not get anymore? Those valves are opened all the way.

Jason- We are trying to meet a fire flow demand for fighting fires and we are also trying to maintain a residual fire flow of at least 20 psi. That's pretty low but in all the fire flow tests we weren't anywhere near that. He is thinking we just might get to a point where we just can't serve because as we start going south into the water system, Fletcher Chapel, Bigford it's kind of the high point of the town so as we go up in elevation the pressure is going to go down. Lower elevation is going to have higher pressure as they go up in elevation the pressure is going to decrease. He thinks what will happen as we start pushing more water to the east, they are going to have to watch the high spots to make sure those pressures are going to be the critical ones during a fire flow that are going to drop, potentially drop below 20psi so we can do this in the model in here we can also confirm it by doing actual hydro flow test.

Limina-sounds like we have been doing this for several months. When you start to go up the slope on Fletcher Chapel Rd. and over to East Shelby, the higher elevations, are you going to test it right away as you open up them will you let it go like for a month because what if something happens during that month period.

Jason-the water department, at least when they did the hamlet on 63 which was the most recent one, they are checking the pressure immediately. It took him a few weeks to come out and do the actual fire flows but there was adequate pressure and all times. The static pressure will be fine as we move east. What he is concerned about is that Zelazny-How long before you did the test did you shut the residual pressure when we start flowing fire hydrants so that's the critical piece?

Jason- We would have enough static pressure to push it all the way through the whole town. The problem is going to be not having available fire flow to go that way. That is his concern. Again, the proof will come out once they start transitioning.

Zelazny-How long was the duration of each test?

Jason-He would run 3-4 minutes

Zelazny- How long before you did the test did you shut the water source off coming from the east, from the village or from the tank. How long of a duration did you wait to do the test.

Jason-when we did the test last week 100% of the water from Royalton.

Zelazny- how long were the valves closed before you did the test? Were the valves closed an hour or two hours?

Jason-I think the valves have been closed for days, weeks. It's been isolated. All they are doing is pulling that water from Royalton and that's what we are trying to figure out is how far

Supervisor-Going off what Zelazny said how long do you have to wait once you close off Medina; an hour, a week for pressure to close and get stabilized or can you do it right away?

Jason-I think you can go down to Harrison Road and open a valve at the west end and close it at the east end and immediately the pressure from Royalton would fill the line

within seconds. Again, same water generally speaking the pressure probably from Royalton's a little bit higher

Zelazny- If you shut it off immediately and open the other one you still have pressure left over from the east end. You didn't drain the pressure down at all when you did these tests and then turn the valve on to see how much pressure would come up?

Dale-We turn these on at his direction. Back in March and it was talked about to just let it settle down. It's been like 2 ½ to 3 weeks just sitting there and he was a week extra getting here because of another situation. We let it set and stabilize to a point that there is no residual from Medina. There can't be when you turn one off and turn one on. We let it sit for a couple of weeks so you're on constant Royalton water. We don't turn them off, turn it on and test.

Attorney- She thinks what Zelazny is concerned about is how do you know is what your testing is just based on what is coming from Royalton. There's no influence at all from what's coming from Medina.

Dale-the main valves are closed.

Attorney asked Zelazny if that's what he was asking is there is no influence from Medina.

Zelazny-yes

Limina-when you start moving the water farther will that effect the pressure at the beginning.

Jason-He would say no only because of the simple fact that is close to the source. So, Freeman Rd. those PRVs don't know what's going on, they are just going to open more and more to maintain that set pressure. Will we get to the point where we are so far away. Maybe but this will come out in a test. That's why we are doing field tests to confirm it. Working with Dale just going slow, steady, be systematic about it. Every step is calculated.

Limina-when you did the two vaults on Freeman Rd. whatever happened I know they changed something there and added one on Johnson Rd. What did the model say?

Did it say you got where you are now-how close is the model to what is actually happening.

Jason- the model is 6 months old. When they did the first round of tests when they calibrated, he did not calibrate it for the ones they did last week but based on the model we were pretty certain we could get to 63 which was confirmed last week. One thing we could put a vault in on West Shelby Rd. that would give you three feeds in to the system. Again, all going to benefit but that can be simulated in the water model.

Limina- that is what she is trying to find out what was the original model and was it valid for what we are doing right now because if we are going to put another vault in and spend another \$50, 000 to \$100,000 we want to know how far is it actually going to get us. She wants to know how accurate the model is.

Jason-the model is really six months old when we did the first round of test is when we calibrated, He had not calibrated it for the ones we did last week but based on the model we were pretty certain we could get to 63 which was confirmed last week. One other thing would be putting a vault in on West Shelby Rd. Again, that would give you three feeds in to the system, all going to benefit but again they can simulate that in the water model. Even in the model that we had for Freeman Rd. the round that we did last week now that this is Johnson Rd vault is open will give us a lot more insight.

Again, they can simulate what the vault would do but the real-world tests are going to be the key.

Limina- She asked Dale are we leaving all those open and going to draw the water from Royalton?

Dale-yes

Jason talked about rates and when would it be adjusted for the public. When you see what's coming through Village of Medina and what's coming through Royalton to see what the ratio to base the hybrid water rate on. He thinks 50/50 is a good start at this point. The O & M charge is operation and maintenance that comes from the town.

Limina-who is going to calculate the actual rate for us. flushing less water?

Jason-he can assist the town. He would give himself a little cushion, demands change, flow changes, users come on. The more data collected through meter readings is going to help to stabilize.

Zelazny- checked with a town east of us and they paid the same rate as we do to Medina and they don't upcharge the water to the residents of the town. They are paying the same rate as they pay where they get the source. As far as he knows they have a \$25 fee across the whole town for their operation and maintenance.

Jason-there are multiple ways to calculate, some it's a flat rate some are built into the rate.

Limina asked when he was going to start the next section?

Jason-tomorrow or Monday.

Zelazny- are we going to adjust the water rate right now or are we going to wait until testing is done.

Jason-said it is up to the board.

Supervisor asked what he recommends

Jason-knowing there is a conclusion coming in the next several months he would wait until after more data is gathered.

Supervisor- Could we set a date tomorrow, take a reading from each vault and do it again in town months to get a test number from each.

Dale- we get data from the village like every quarter. He can get it from Royalton every month.

Supervisor asked to see if he can get it from Jason. Then we can find out if its by usage we can adjust the rate and give everyone a break on water.

Jason asked Dale to get him any water meter data from the village would help

Limina-makes her nervous to start making that calculation without more data

Jason -In the data we have so far is skewed because you recently just transitioned the hamlet, 3 weeks ago it was on Medina water so that meter reading is going to be inclusive of still supplying Shelby Center.

Limina-we also haven't hit summer yet. We have a lot of farmers that she assumes they water, fruit farmers and cattle farmers would be curious to know what the usage is in both sides of 63 and that could make a big difference. Last thinking you want to do is change a water rate and find out you're under water in an area we already have problems.

Jason-we just need more data. The more Dale can give to me.

Supervisor – recommend two to three months. Will see where we are at that time.

Dave Strong -New Leaf Energy and Matthew McKrell from Erdman Anthony-Going to go over the basics of what has been submitted to the town. Matt will walk through some of the specifics. Basically, they have town projects here, they are each about 20-acre solar projects both proposed on the west side of South Gravel Rd. If you're coming down 31 head south on South Gravel Rd, they are on the left side about a quarter mile from the intersection. They are solar projects. We lease the property from land owners. Each project is roughly 700-800 feet from the road. The electricity from these projects goes into the distribution grid and is actually now going to be sent into a national grid program called HEAP (heating and energy assistance program) and only folks that are qualified under median income in New York State are qualified to get energy assistance and so this electricity goes into that program and that program discounts the electricity to 14% off of the retail rate. It's just generally where the electricity goes for a project like this. The other important thing to know is there are taxes from the project that go to the three taxing jurisdictions; county, school and town. All three entities will receive tax revenue from the projects, that's all governed by state law called RPTL 487 and they haven't officially begun that process, they just want everyone to know taxes are involved. This is the beginning of the permitting process; we just submitted the application typically depending on how the town and planning board will handle things this can be a multiple month process so he expects between 4 to 6 months of permitting everything. Once that happens as a company New Leaf Energy is they are solar developers. There are other companies that actually own and operate projects like this for the 20-30 years that a solar project operates. New Leaf Energy, their business model what they do and they have been doing it for quite a long time around the county and in New York state is they get permits, electrical interconnection. Sometimes they go and help get building permits but then somebody else builds their project so that's typically when once the project is built and the electricity starts to flow that's when they step back from the project and a new owner takes on the project and owns it and operates it. Everything we do with the town, all of the tax agreements none of those changes just because New Leaf energy actually only develops project, nothing changes so any operator or owner of a solar facility for the 25-plus year life of the facility is obligated to follow every condition and every requirement that the town or the utility or any other jurisdiction puts on the project.

Matthew McKrell- will discuss the two projects and a little bit more about the zoning and the permitting process. There are two different properties, 4326 and 4364. There is one fenced array area on the northern property. There are two on the southern property that are working together in one system. He may refer to it as one array that there are two different areas. On the northern property the panels would be put in an area that is currently a cornfield and on the southern property there is one area that is an apple orchard that is already removed and one that would be removed for the project. None of the panel areas are adjacent to the road way. On the northern property we are behind the homestead. On the southern property we are behind the orchard and other forested areas. The northern property total encompasses area for which we include anything surrounded by the fence and the extra area of driveway we have leading into the fence is going to be 21.935 acres so about 22 acres of an overall 79-acre parcel. So that is 22 acres of us and 79 acres of the overall property. For the southern property there is 18.75 acre of an overall, 167.98 acres. So that's about 19 acres of a property of

167 acres. The panels are going to be off the road. They won't be adjacent to the road. The one upgrade that would be visible from the road is the utility poles that would hold National Grids equipment. Right now, we are showing six utility poles at the entrance to each property. Sometimes that number comes down but that's what we are showing right now. These properties are in agriculture residential zoning district and we have been able because of the nature of this property where we can put the arrays back off the road only in certain sections of the property, we've been able to adhere to all of the setbacks in the zoning requirement of all the different properties. For example, on the northern property we were able to keep the set back even from the rear property line and we meet the minimums from all property lines and somewhere around 700-800 feet off the road in each instance. We are nowhere close to max coverage. We have about 28% coverage on this property and about 11% coverage on that property and maximum allowed to be 50%. There is some concern with in green tech project about battery storage. We are not proposing and battery storage on this project.

Zelazny-The norther part- is that below the escarpment?

McKrell said he believes it is.

David Strong- the southern site is above the escarpment.

Supervisor asked if it will be seen from the road?

David Strong-in his experience driving by and looking it is very difficult to see it. There could be a couple spots at the right time of year that you could kind of peek in there and see. It's tough to tell but they are far back and there are existing trees between the road and the Apple operations and the field in the back. If you're looking for it you will see it and if you're just driving by, not paying attention you likely will not see it.

Supervisor- had questions about wetlands. What are the DEC's comments on the wetland

Strong- the one under the actual array of the panel area is not a jurisdictional wetland. It's just a low spot in the corn field that was delineated as part of this project. There are some jurisdictional wetlands up in the northwest corner. We are not getting into them at all, we are actually following a buffer that's not in force yet but we think e could possible be and we are staying out of that area.

Attorney asked if they had something from the DEC regarding the wetlands or are you just saying they are not Army corp. She said she didn't know how backed up DEC is out in this region but DEC in region 7 their jurisdictional determination under the new wetland regulations is not very speedy. The area appears to be somewhat wetland because you put a 100-foot buffer next to it.

Strong-it's delineated in the field and confirmed the DEC's existing maps. So, to Matt's point we are anticipating that the DEC will interpret according to the new rules. We have designed this conservatively assuming the DEC is going to give us a hard time as usual.

Attorney- So you have not gone through the DEC process yet which also probable means you haven't gone through the core process but that is time because the DEC is way lengthier at this point. And you're also assuming they are taking jurisdiction of the wet area in the farm field that you are referring to because it is part of a farm field.

McKrell said yes.

Strong- in one more clarifying point we are going throught the process currently with the DEC. We have begun that process and as he understands it there are 2 paths to

doing this. One is harder and longer. They are going throughout the shorter one because of the less impactful nature. They expect it to be a little quicker

Supervisor-had a question on interconnection. Asked Strong to explain to the board. Strong-on the northern site looking on South Gravel Road there are three existing three-phase electricity lines. Those are the typical electricity poles we are all used to seeing. They are smaller distribution level lines. Both of the projects will be connected to those lines. They are familiar with those lines. There are a couple of things they have done with National Grid over the last four months. They submitted the interconnection applications in the late summer, fall last year. It takes National Grid some time to do their analysis and provide a report. They ask a few questions on the report on each project. So, each project gets its own report and National Grid had to revise their report. The revised reports are underway. We expect it to be ready a couple of business days before the next meeting. They will have the detailed interconnection results. Their estimation is that there will be five megawatts of AC capacity available to 4326 South Gravel and roughly four megawatts AC capacity to 4364 South Gravel. They are expecting about 9 megawatts, could be a little bit plus or minus, it varies a little bit viability of the projects are still fine. Those capacities and the way that process works is once National Grid comes back with finalized report, we have a certain amount of time to place a sizeable deposit into the National Grid system that holds their position in the queue and allows them to start the procurement of all the electrical equipment that's necessary to do the upgrades to handle the project. In the preliminary report we do not actually need to upgrade those lines themselves, we just have to put the typical protective system. We don't even expect those three-phase existing lines to necessarily have to be replaced or improved at all. They are adequate as is. There will be some improvements to some of the sensing equipment, some of those costs can be sizable and so we will know when National Grid sharpens their pencils what they will require us. We as the interconnecting customer for these projects, we pay all of the fees so National Grid does not pay any upgrades on our behalf at all. So just to clarify that we will pay all the fees to allow us to safely inter test and operate 25 plus years.

Supervisor-Can the grid handle that and does it max out our part of the grid? And you guys pay for our engineering?

Strong- this electrical feeder if zoomed out looks like a spiderweb and in the middle of that spider web is a substation. That substation has only as much capacity for solar projects. These are the last two spots in that queue. So, there is no more generation, no more space in the queue for any other projects.

Supervisor asked -meaning the whole town?

Strong- anything touching that Shelby substation and the further you go out the harder it is to actually connect because upgrading lines is very expensive. So essentially everything feeds through that substation. That substation only has so much electricity capacity and these two projects fill that capacity up completely.

Supervisor-Will this limit any additional housing in the area?

Strong-no. It's all about which way the electricity is flowing. In this case we are adding electricity to the grid so it effectively doesn't change at all what National Grid can do with respect to interconnecting other customers in the future so it has really no bearing on new business coming to town etc. What he mentioned again is electricity is that it will generally go to residential users below median income.

Attorney-will there be a benefit that residential users see on their electric bills?

Strong-this has changed over the last few months. You would have to go through the National Grid program for heating and energy assistance. If you are below median income, a single household, \$38,000 a family of four would be \$78,000. So, if you are below those amounts, he wouldn't hesitate to jump on line and apply. It's his understanding that National Grid can do what they want with electricity. There are other solar projects that will push their electricity into this program. Its hard for him to say these projects will generate electricity that will go directly because it's in National Grids hands. But the state has made sure that this program actually flows into National Grid and then goes to lower income folks that qualify for assistance. It kind of takes the middle man out, it's a little more efficient.

Zelazny- is the substation the one on Bates Road?

Strong-yes, it's just geographically like it's just north northeast

Zelazny-any other towns like Ridgeway that have access to that substations because they have quite a few small solar places over there?

Strong-There are other substations in the region. He doesn't know Ridgeway's boundaries and what substations feed it off the top on his head.

Schiffer- What happens to the panels after twenty-five years?

Strong-twenty-five years is just your typical life for one of these projects. There are a couple of things that can happen. One is the project continues on and just operates the way it has. Two is it can be decommissioned and removed. The decommissioning and removal process is really an important part of this puzzle with respect to permitting. So, when we permit, we keep the end in mind which is to say we've submitted what's a decommissioning estimate. So, its and engineer third separate engineering estimate that approximates how much it will cost to remove the system completely. Then as typical in the industry these days we provide a decommissioning bond which is essentially an insurance policy. So, it doesn't matter who owns that project, what company, there is always an insurance policy that the town holds where if the applicant goes beyond their permitted allowances or it gets old and abandoned, the town is always projected and the land owner is to. The third party would come in and remove the system and draw down the funds that are afforded via the bond.

Zelazny-asked if the funds are fixed from the beginning of the project or are they prorated as time goes on.

Strong-Typically they are escalated and checked in to make sure they are adjusted for things like inflation.

Attorney has stated this is going to be a couple month review process. So, there are a couple of resolutions on for the town Board to take those initial actions tonight. At some point there will also be public hearing which all will be invited to speak on the project. One of the things that is not on the agenda that she is gong to ask the town to also consider a resolution to authorize the supervisor to sign and escrow agreement with the applicant pursuant to which the applicant agree to pay all legal and engineering fees associated with review of the project. And also, as resolution to seek proposals from an engineering firm to assist the towns with its review of this project. So those two resolutions in addition to the two that are on the agenda to start the SEQR process and to make the referrals out to the various planning boards.

Karen Jones asked if the audience will be allowed to ask questions before the board votes on the resolutions?

Attorney-said not on the resolutions tonight because they are just imitating resolutions. There will be a public hearing at which time you will be able to speak before the project ever gets approved. These are just the initial steps.

Karen Jones-She wanted to speak about that exact resolution and you skipped it. You said you were going to come back to it. It says public forum regarding agenda items only.

Attorney- We aren't voting on that resolution yet. Once they are done, we will go to public forum.

Supervisor said he did ask at the beginning and nobody said anything. He said there were others, the insurance one at the beginning after the pledge.

Karen Jones said he was going to let them present first.

Supervisor said we will open it up.

Karen Jones-so you're not going to vote on number 3 on the agenda.

Attorney-yes, the board will be voting on 1,2,3 and 4. Four was the Tompkins Insurance that was added.

Supervisor -Will re-open up for public forum regarding agenda

Karen Jones-She respectfully requests that the board refrain from doing so. The Town and county planning boards are not elected by their residents. They are appointed. We have seen before what happens when the board and residents are chasing an issue specially building the plane while we are flying it while the SEQR is being completed. She asks that you please get in front of this issue and not behind it before handing it off to the planning boards to rubber stamp. The towns should have their own rules in place especially in terms decommissioning plans as well of the solar panels. Height, sound and light limitations should also be part of that plan and migration protection. The gentleman presenting tonight from New Leaf explained that they are responsible for permitting, electrical and so forth. Once approved, someone else builds, owns, and operates that, and that company must follow, and she quotes every condition the town puts on the project. This is what you do not yet have. Conditions, a plan of your own before you give it to the planning board to let them approve it. And this takes time for the town board members to listen to the constituents about our concerns. A public forum with advanced notice of that forum before again even handing it off to the planning boards is prudent. She thanked the board for her time.

Highway Report-(Dale Root, Hwy Supt.) Fixing and sealing water vaults. Filling in road edges., Going through the town with cold patch, swept intersections. Was able to get the county hotbox and a man to help go through the town laying hot mix down and roll on several areas. Thank you County DPW. Brought equipment home from Ridgeway storage barn. Doing equipment repairs. Picked up plow marker stakes. Remove and return snow fence to the DOT state. Thanked Mike Zelazny for allowing them to place on his property as a test for the future placement of fencing. Removed the trees on Furnace Parkway in the median. Removed the stumps and redressing the area. Cemetery clean up. Have been able to screen a lot of millings for future paving next month. Jeremy has been replacing lighting in the courtroom to the LED bulbs and

cleaning lights along the way. All went to dig safe school, more training on Thursday. Water reads and re-reads and ppm checks which has resulted in minimal flushing. Jason told of the water usage and flow testing. At the last meeting there were questions about him using millings on road edges. They work just fine, and it would be best if it could be done earlier in the year but it didn't happen. They have cleaned up a few of the affected yards. By fall they will have time to harden from the summer. A remark was made of his working on West Ave. Extension giving validity to tiling personal property. There is a big difference. West Ave. Extension was experiencing severe flooding, property damage to many homes and apartments with flooded septic systems. Raw sewage was entering into the basement of three homes and the two lower apartments, not once but three times. The health department and soil and water were involved. Someone had filled the ditch in with pallets. Weeds and grass grew through them, obstructing their presence so someone could get to Family Dollar. To remedy this from happening again Soil & Water designed a new approach with the consent of a homeowner and Family Dollar to cross their property we were able to redress the ditch, build a new one to receive natural flow and receive any water in the yards of the affected homes and apartments. Being known that the DI was installed before the extension was set too high to receive the water flow hence the installation of a new culver pipe across the road designed by Soil & Water. In the end no further flooding or potential health issues from raw sewage flooding has occurred since. Also, the flooding conditions of those three times produce street causing flooding a traffic hazard to the general public. I hope this explains the difference. To finish up have dug a few graves and stacked e-waste.

Assessor Report-(Julie Cecchini) -In the past month the Town of Shelby has had two houses that have sold. Seven houses went on the market. All were over assessed value. Three of those are already pending within one month. Two in the village and one outside. This past month she applied all of the exemptions and building permits. She met with nine residents regarding their assessments and the tentative roll will be posted in May

Planning Board-(Kirk Myhill) -At the last meeting a preliminary review of the solar farm proposed by Green Leaf. It was just review of the plans, prints, no decisions were made. Informed the board that the state will be putting on a four-hour training in June (either 16th or 17th) at the Hoag library. Received a notice from the county that last years reclaiming of used paint went over very well and it will be done again this year. It is posted in the front of the office. It is on the website and the Orleans Hub and Lake County Pennysaver. Think it is going to be here in Medina.

Code Enforcement (Dan Wolfe) Back in the office March 31 after several weeks of vacation. So far, this year has issued four building permits. It is typically a little slow this time of year. He has one demo permit, one pole barn storage, one single family dwelling on Shelby Basin Road due to a housefire. They are replacing the house. On a good news note, He issued a building permit to Western New York Energy for a 5,000 square foot, \$1.5 million office addition. Thinks its really good news for not only Western New York Energy but for the Town of Shelby. He sent three violation letters,

one for unlicensed vehicles, one for rubbish and garbage one for a condemned structure. He also received an application for New Leaf Energy Special Use Permit Site Plan Review and the application for a utility grade solar for 4326 and 4364 South Gravel Road. Received the appropriate fees gave them to the clerk for deposit and forwarded the application to Supervisor Wengewicz.

RESOLUTION NO. 37-25

RESOLUTION TO APPROVE THE TOWN CLERK REPORT FOR MARCH

Motion by Zelazny and seconded by Limina

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 38-25

RESOLUTION TO APPROVE THE TOWN BOARD MEETING MINUTES OF MARCH 11

Motion by Seitz and second by Zelazny

Discussion-Limina-There was a vote doesn't see a resolution but there was a vote to increase the secretary hours up to 30. There were 2 nay votes on that, Zelazny and herself and they are on the minutes as being yes votes. Pam put them down as yes and they in fact they were supposed to be no votes. Town Clerk said she will have pam change it.

Supervisor asked if it is OK to approve with modified changes requested.

Limina said yes.

Ayes- 5

Opposed- 0

Motion carried with requested changes

RESOLUTION NO. 39-25

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

Motion by Seitz and second by Schiffer

General A	\$ 51,801.96
General B	\$ 779.00
Highway DA	\$ 10,353.68
Highway DB	\$ 2,138.98
Special Districts	\$ 18,703.00

Discussion- Zelazny- there is a National Grid bill for \$2,506.42, it wasn't on the claim voucher. Don't know if it got missed, it's in the prepaid folder.

Supervisor said that was the one that was paid in January.

Cassandra Boring-Sarah does the claim. She must not have put it on

Limina said it is on the warrant there is no back up on it.

Cassandra-the one that is not in there she was suppose to take that off the claim warrant. That was actually paid in December's board meeting and it was mistakenly put on this one.

Limina said you need to check and make sure that is not getting cut in the check.

Limina-Periodically over the last couple of months she sees mailboxes being replaced and asked Dale how many do we replace each year. She assumed it was for the winter. He said it was hard to tell.

Dale it wouldn't be 200 but it could be up to 20.

Limina-asked about a color printer that was purchased.

Town Clerk said it was her printer as hers broke. The big copier in her office that everyone uses is also color.

Limina- Bill for LGSS. Is that a final bill?

Supervisor -No have a final bill coming for her just finishing up.

Limina-Does our contract with them read that? She thought it was \$5000. It was \$20,000 September through December and so this bill was like \$6500. She is wondering if we are still getting billed as she is still working. What she is doing now is wrapping up 2024. It should have been included in the contract of \$20,000. Her project was to do our 2024 final statements. If she is still doing them in April, they should have anticipated that with what went on with our financials. The fact that she is still working now as 2024 financial stuff should have been included. That what she would have anticipated with that contract.

Supervisor- Do you happen to know what the total is?

Limina-she doesn't but that is why she is asking. She was thinking it was \$5,000 a month for four months. And this one is \$6500. She just doesn't know if they have paid the \$20,000 already. If we haven't paid the \$20,000 that is fine but if we have already paid the \$20,000 somebody needs to have a conversation.

Supervisor said he will look into that.

Limina- There is a water bill which looks like it's for Shelridge Lane over by the golf course. She asked Dale if he knew what that rate comes out to. It's like \$1100

Dale-there is no rate on the bill. That comes from Ridgeway. That bill comes to the highway. Will have Beth check it out.

Limina-At the meeting with the Village of Medina she did not see some of the bills that had not gotten paid. She did not see anything paid to the village for the electric for pumps for the last year.

Supervisor asked Cassie what happened with that. Will those process this month?

Cassandra- No we got one before but Sarah was already done working. They already made the transfer, so it's in queue for next month.

Limina-didn't they hand us bills at the meeting?

Cassandra-yes but they sent us updated invoices after that.

Limina-to include the ones that we had.

Cassandra said yes. So, we have a total rather than parting them out and can pay them all at once.

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO. 40-25

RESOLUTION TO ADOPT THE 2024 AUDIT OF JUSTICE COURT BY COUNCILMEN SCHIFFER AND ZELAZNY. RECORDS WERE FOUND IN GOOD STANDING ORDER Motion, Seitz, second by Limina

Ayes-5

Opposed-0

Motion carried

Attorney-Wants to talk about the approval process. This will be governed by section 787 of the town zoning code and 787D1 requires a special permit by the town board based on the processing criteria that are set forth in that section and also site plan approved by the planning board. Section 787F requires referral of the application to the town planning board. General municipal law section 239M requires referral to the county planning board. And in section 787H subsection 9 will require a public hearing. So, all of the actions that this board is being asked to take tonight are the very first preliminary steps to get the ball rolling in terms of the review process for this application. None of the steps that the board is taking tonight is any sort of final determination or any sort of acceptance or any sort of approval at all what soever. It is to refer this application out. You are going to send out a lead agency notice based on SEQR. You're going to be asked for comments back from interested and involved agencies that she imagines is going to include the DEC, the DOT, anybody else that we are going to forward this SEQR notice to. And you're also going to forward it to your town planning board and ask them to give your comments and feedback and you're going to send it to the county planning board and ask them to give your comments and feedback. So, then you're going to take all of that information and it would be available to everybody in the public as well when it comes in. That is going to be considered in connection with your very thorough review of this project. Anything being done tonight is very preliminary. It's nothing final, it's not an approval. It is a step that is required as part of the process to get it rolling.

Limina- based on what Karen said that is a concern for her as well. Are we saying the planning board needs to have our codes in place before we put this through.

Attorney- Your code's in place and your code says what you are supposed to look at and the findings you are supposed to make is all adopted it's in the zoning code. It's very lengthy.

Limina-Just wants to step back for the windmills with what happened with them we decided we wanted to make a change to our zoning law so we need to make a change to cover ourselves for something we want to make sure we do or don't want, she thinks what Karen is saying is should we have that in place in advance and not get us into a predicament where we are locked into something that we have then to figure out how to get out of. She is not saying good or bad in the instance. She is just saying in general to have our I's dotted and t's crossed in our zoning.

Attorney- from her legal perspective this issue with the wind mills was that wind technology has changed in a much more significant way than solar technology has. You're dealing with taller wind turbines now than what we anticipated when we adopted those wind provisions in the zoning code. And that is why we need to go back and look at wind is because the turbines were much taller and much more visual than what you

had accounted for when you adopted the zoning code and solar technology obviously hasn't evolved in that same way.

Kirk Myhill-Planning Board Chair- Basically what we're saying is we learned with the two windmills that came out that our zoning regulations needed updating. The planning board requested that the town put a moratorium on it. They did a review of their zoning regulations, made some recommendations of changes in the zoning to the town board. That's where it sits right now.

Limina-did you look at both solar and wind when you did that review?

Kirk-No

Limina-that's why she is asking is there something in the solar we should be looking at before we move forward with this. Or with what we vote on today, doesn't that not lock us into anything and should we decide that there's some issue with our zoning.

Dan Wolfe-Code Enforcement-Understands what she is saying, but we already have written regulations concerning solar. So, what he is hearing is we may or may not like the project so we are going to look at rewriting other regulations if we've already received the application and the planning board will scrutinize that application according to the zoning regulations. The zoning regulations that we have for the Town of Shelby already.

Limina-wants to be very clear because she gets misquoted a lot. She is not saying yes or no for this. She just wants to take into account the concerns of a taxpayer here and just know that this is not my forte. She just wants to know before she votes where she stands.

Dan Wolfe-It is often a misconception too about local planning board and the County planning board. They are only a recommending board. They are not the ones that make the decision. The county planning board can give a positive recommendation or a negative recommendation, but they don't approve the project and neither does the local planning board. It is this town board that approves this project because that's the way the zoning regulations were written for utility solar.

Attorney-She thinks our regulations for utility solar were very recent, 2021

Kirk Myhill- He said these are more recent than the wind. He recommends all the board members read the regulations so that when they send it back to the town you will know what they are talking about.

Limina- That would be a workshop. She asked for his help in explaining it.

Attorney- she said Planning and Zoning should attend and that is also why she is suggesting that the town hire an engineering firm to assist because they will also review the regulations and make sure the town is complying with all of the regulations in addition to Dan and Kirk.

Kirk Myhill-When the wind towers were proposed they did go to an outside engineering to review.

Zelazny-was that the expense of the town?

Kirk-No. Anytime you want to set up a workshop to work on these other than May 7th for a week he would be available for a workshop. Let him know what night and he will try to get his board members in. Hopefully we won't have to rewrite solar regulations again.

Attorney asks for the town to adopt a resolution to authorize the Supervisor to sign an escrow agreement with New Leaf to cover engineering and legal fees associated with the review of the application.

RESOLUTION NO. 41-25

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AN ESCROW AGREEMENT WITH NEW LEAF TO COVER ENGINEERING AND LEGAL FEES ASSOCIATED WITH THE REVIEW OF THE APPLICATION

Motion, Seitz, second by Wengewicz

Discussion: Limina -Wants to hear what Schiffer has to say about it.

Schiffer-As it is right now, he is voting no. He sees the concern of the people out there. He thinks we have to do a lot more about this.

Attorney -This is a resolution that requires them to pay for engineering and legal so that you can do more and you don't have to pay for it. New Leaf is going to pay for it.

Schiffer-Still votes no for it.

Limina-She is like Jeff; this is all new to her. Is there a way to sit down and have a workshop where we discuss more and understand more what we are doing.

Schiffer-he is pretty set in what he is thinking on this.

Roll Call Vote:

Schiffer-nay

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Everyone understands what that is. It's resolution saying we are not paying for it. They are paying for it.

Motion carried

RESOLUTION NO. 42-25

RESOLUTION TO SEEK PROPOSALS FROM ENGINEERING FIRMS TO ASSIST WITH REVIEW OF NEW LEAF ENERGY APPLICATION

Limina- we can still if an engineering firm comes back with something we don't like we can still say no. Attorney said we can always say no. You can say no based on the criteria in your code. You need an engineering firm. You cannot do this without an engineering firm. Limina said she thinks nobody's talking about whether we have an engineering firm or not. She is getting the impression whether we can decline the application she thinks where Jeff may be going. Attorney said none of the steps we are taking tonight mean that we are going to ultimately approve this. They are steps in the process. As your code is clear that you have to follow the process and at the end of the process you can approve. You can approve with conditions or you can not approve. Limina said the only way we can not approve is if it violates one of our codes. Attorney said there's a lot in here that you get to look at and you get to look at everything that is in the New York State Environmental Quality Review Act which is visual, traffic, wetlands, storm water. A lot you will look at. There is a lot of discretion under SEQR and zoning that there is nothing that is requiring an approval. This is all just process.

Supervisor-had conversation with Kathy the other day regarding Labella. They are the engineering firm that's currently doing the Hemlock Ridge and they are up to date on solar. Does the board want to bid it out or do you want to just get ahold of Labella and see what they would charge us? The board agree to bidding it out.

Motion by Seitz, second by Zelazny

Roll call Vote

Schiffer-nay

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Motion carried

RESOLUTION NO. 43-25

RESOLUTION TO DECLARE THE PROJECT A TYPE 1 ACTION UNDER SEQRA AND THE TOWN BOARD DECLARES ITS INTENT TO ACT AS THE LEAD AGENCY FOR PURPOSES OF UNDERTAKING THE SEQRA REVIEW IN CONNECTION WITH THE NEW LEAF ENERGY PROJECT

Motion, Seitz, second by Limina

Roll call

Schiffer-nay

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Motion carried

RESOLUTION TO REFER NEW LEAF ENERGY APPLICATION TO THE TOWN PLANNING BOARD AND COUNTY PLANNING BOARD FOR THE NEXT STEP IN THE PROCESS.

Motion, Seitz, second by Limina

Discussion-Zelazny-think we need to have a workshop and go over this application

Limina-Asked the attorney to explain better like what happens when it goes to the county and town planning boards.

Attorney- all your asking them is to provide you comments and feedback. It provides you with more information in connection with your review process. So, this would not be in a global workshop. She would still have a workshop but if you don't refer it to them, technically they don't have it yet. You can't sit down and have a work shop with them because you haven't referred it to them to look at in her legal opinion.

Kirk-You really want the county already?

Limina said that is what she is talking about.

Attorney -said she didn't see why not. It's required under 239M. Nobody can do anything. Don't you want their comments back as soon as possible?

Kirk-The process of that would be what he has gone through.

Attorney said she he knows the county planning board better

Kirk-said we will look at it at the town planning board and will make their recommendations to the town board. The town board will review all that and then they will send it off to the county planning board and then the county sends back their recommendation. The town will set up a public hearing at that time and either approve or disapprove the application. And like he and the attorney said earlier the county is only a recommendation

Attorney- In her experience that since they are only a recommendation, she likes to do things methodically in the beginning so she knows she has done them because if you don't make the county referral it's fatal to the application

Kirk-So you are not sending it off to the town's planning board and the county planning board at the same time? Just the town before it goes off to the engineer to come back with their recommendations?

Attorney normally sends application and other town's planning boards that she represents take the application as soon as they get it from the applicant and ship it off to the county for county review and comment. Because it is just review and comment.

Kirk-That's right but thinks the county would like to see what the town's recommendations are.

Attorney- So it that is what your county planning board prefers then that is fine. That referral can wait, but somebody better remember to make it.

Supervisor-So resolution will be Modify that resolution to say refer new Leaf Energy Application to the town planning board, and strike county planning board out.

Motion from Seitz to withdraw that motion

RESOLUTION NO. 44-25

RESOLUTION TO REFER NEW LEAF ENERGY TO TOWN PLANNING BOARD

Motion, Seitz, second by Zelazny

Roll call

Schiffer-nay

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Motion carried

RESOLUTION NO. 45-25

RESOLUTION TO ACCEPT THE TOWN INSURANCE RENEWAL QUOTE

Motion by Seitz; seconded by Wengewicz

Discussion-Limina is a little disappointed. They talked about this back in the fall, brought it up in January. We were going to try and get another quote from another company. We had a 9.5% increase and we weren't able to get another quote because we didn't get the information to them in time for them to get it done. So how do we know the 9.5% is market?

Supervisor- They had almost a month. I gave you the email.

Limina said she got the email in March. There is a cancellation policy period of thirty days. He said he could not quote it. She said she started asking for information in January to get to them

Supervisor-said this is farmed out. It just isn't one insurance.

Zelazny-We probably don't have much of a choice this year.

Supervisor- When you read about it did you see they recommend us increasing cyber security policy? Which policy do you want to go with. It's a little bit of a difference.

Right now, we have \$250,000 coverage. We can stay with that or we can increase the cyber security. Supervisor said he is good with whatever the board decides.

Limina wanted to know what the insurance company recommends.

Attorney said she said we were ok but recommends we go higher.

Cassandra- She recommends getting a separate cyber policy which is tradition in most towns and when CHPC was going through the cyber security policy they also recommended getting cyber security policy.

Zelazny-said is that separate from what we have here.

Cassandra said yes.

Limina-Asked if it was the \$1670.

Cassie said she wasn't sure she did not give any numbers. She was just in the meeting when it was discussed. Zelazny-asked if it would eliminate the policy with the new one.

Supervisor said yes, the cyber policy with NYMIR. That would eliminate that and it would be a separate coverage.

Zelazny-what would it be?

Supervisor said it's on his desk with a stack of papers. He is almost positive it is 1678.

That is a new cyber policy. It would go up \$450-\$500. From \$1139-\$1670.

Attorney-From what she can tell the current cyber with NYMIR we are covered up to \$250,000, Cyber is CFC your covered up to \$1,000,000. Our average ransomware attacks are \$450,000. She thinks \$1,000,000 coverage is probably recommended.

Limina-So if you're saying that is in the policy we don't need a separate policy?

Attorney-you don't have that. They are proposing that. If you look at the first page premium analysis, they have cyber with NYMIR renewal at \$1139 or they have cyber with CFC would be \$1670 and when you flip over to next page you will see general liability, the cyber liability and data response your covered up to \$250,000. That is cyber with NYMIR. Cyber with CFC is under that because you will see it is not listed for expiring, it is just listed as being new. That's the \$1,000,000.

Zelazny- So we have a premium increase of \$500?

Attorney-yes

Supervisor – do we have them take the cyber off and go with a separate policy for additional \$1670?

Limina said yes

Supervisor-so there were two cybers on this?

Attorney-yes there is cyber that is included which is the \$1139 and that is only a \$250,000 policy coverage. The cyber with CFC is a \$1,000,000 in coverage for roughly \$500 more. So, you would tell them to remove the cyber with NYMIR and go with the cyber with CFC

Roll call Vote: Schiffer-aye

Seitz-aye

Limina-aye

Zelazny-aye

Wengewicz-aye

Motion Carried

Board Comments:

Limina-She asked the public bear with her for a minute. Some comments were made about her, a letter posted to the editor in the Orleans Hub that she wanted to address. There were statements made saying she is currently under investigation for code ethic violations by the town in the NYS Comptroller's office. She asked Scott if it were true. Attorney-said she responded to Mr. Mazur's email and told him she did not find any issues in connection with any of the things he raised under the town's code of ethics. So, no. She conferred with the comptroller's office; she will get us the guys' name and he also advised he had spoken to the supervisor. He spoke to Kathy viewing this as a local issue. They talked about a couple of the issues that were raised and he didn't see any concern. So, she would say no. For the public's knowledge, the issue at hand is the fact that she voted on the 2025 budget for the town because she suggested moving the snow plowing outside the Village of Medina just to the outside town. Mr. Mazur found that to be a code of ethics violation because she benefitted from that action. If that were true that would mean the other four board members up here would also have benefitted by leaving that charge within the Village of Medina and to the whole town. So that's the question at hand for that.

Attorney-So the town code of ethics actually has a section in it that says that the prohibition is inapplicable and that disclosure, recusal and abstention is not required in connection with the adoption of the municipality's annual budget. Again, because all of the town board members stand to be impacted in some way by the annual budget. So, if they couldn't vote on it, nobody would be able to vote on it. So, it is specifically excluded from the town's code of ethics.

Limina-Section 7 A1 from the Code of Ethics. Second, there was a question about her education and her degree. She holds a Bachelors of Business Administration Degree with a major in Accounting from ST. Bonaventure University. She meant to bring her transcript tonight for anybody who chooses to see it with that degree listed on it. So, if anyone needs to see it please let me know. She will be happy to bring it to the next board meeting. Third, there was a claim made about her wasting thousands of dollars in taxpayer money on an investigation against her jeopardizing worker safety. She read without giving the names of the people that filed the claim against her. Without waving any right s to file a formal grievance in this matter, we would like to file a formal complaint with respect to the event that happened on March 13, 2024. While we were performing our work duties at a job site working on the Freeman Road water pit for pit maintenance, Councilperson Limina came to the worksite unannounced and was asking questions as to why we were there and what work was being performed which making us fee l uneasy and interrogated with her line of questioning. The union seeks corrective action in regards to this incident involving council person Limina. Thank you for your attention. The second letter-she started in the middle because names are listed. Three Shelby employees were working on a meter repair with another local town employee on the morning of March 13, 2024. While doing the overwatch duties I was approached by Linda Limina. At the time two other employees, Shelby employees and a member of the other town were in the water vault. Ms. Limina started questioning

why we were in the vault and if this repair has anything to do with hooking up to Royaltown which was asked at least twice during which time I am trying to do my duties and keep the safety of those in the vault my top priority. Miss Limina was distracting myself and another town member at a time when our attention was needed to be centered on our team members in the vault to ensure their safety. Her presence directly endangered the safety of my team in the vault. While trying to be polite I became agitated and distracted with the distraction she created. I felt threatened by her interrogation as I do not feel it is my place to answer her questions. They should have been directed to my supervisor. Thank you. There also a letter I don't want to read from the other town. That also complained. Kathy would you please tell the public here what the outcome was of that investigation?

Attorney- Brought up the email response that she wrote to Mr. Mazur in connection with the email he sent to her which is in March 2024 the town received correspondence concerning events that occurred at a work site. The concerns expressed in the letter were investigated by council. The investigation concluded there was no evidence to substantiate any safety risks or improper behavior at the worksite.

Limina- also wanted to let everyone know that she did not participate in that investigation. I chose not to get involved so the findings that were made were from the attorney that investigated only with the people involved in his own investigation on the site. He did not hear my side of the story to muddy the waters. She was cleared of that and having no responsibility that she did anything wrong there and she never even participated. Lastly, there was a statement made that the preliminary for 2025 which had a tax decrease until the town board members who were praised so well in a previous letter to the editor and now the town has wound up with a tax increase. She thinks Mr. Mazur has it backwards. She has copies if anybody wants to see them. The initial budget that was put out by the Supervisor that we agreed to as a preliminary budget during our workshops had our budget down to \$3.7 million with a tax rate of \$4.08 to the out-of-town residents which was a .27 decrease from the previous year. And the village residents, the town inside the village were going to be paying \$2.39 which was an .18 increase. That budget had the snow plowing for the Town of Shelby moved only to the outside. The village residents of the Town of Shelby would not have paid the snow plowing cost yet your taxes were still going down. The town budget was \$3.7 million. The budget that was adopted by three board members not Zelazny and herself was put out at \$4.037 million, so \$4million. It went up \$300,000. The snow plowing was moved back to the whole town, so the plowing went back into the village, but the budget increase to \$4million and your town outside tax rate went to 4.42. So, Mr. Mazur is confused on who voted to increase your taxes. That was not Zelazny and herself. She has copies if anyone wants to see them. She just wanted to clarify for Mr. Mazur who she is. She is surprised he did not want to come tonight because he had a lot to say about her but didn't want to come here and ask me in person. This board is a 3-2 vote all the time which is certainly the prerogative of this board but to think that she personally has any control over how this board, what gets passed or not passed, he is sadly mistaken. Thank you.

Zelazny-Was there ever a letter sent to Williamson Law regarding any refund regarding the issues with them?

Attorney-No we started to put one together but she thinks they were still trying to figure out all of the issues they wanted to identify in that letter. She is still working on that. And she does plan on sending out a letter. She said she will share it with the board.

Public Comment:

Yonic Parada-he was at DPW at the Village of Medina. They talked about the budget and how they were going to be chipping out stumps and they would have to do a callout for that. They were up on Furness Parkway using the chipper, you guys went to the village. got permission to get the chipper, went down and did some chipping. After he talked to Jason and asked about the call out. He said what you do is anytime a chipper is being used you have to call out for gas and water. Yonic asked if they leave markers and Jason said they will put the lines and stakes down. Yonic said they had the chipper and they were using it and after they were gone, he went up there and there are no markings. So, he is asking why were they running the chipper up there to take the stumps out and there was no call out to mark gas or water lines. Where his house is on the other end that gas line runs down the center of the parkway and across the front of his yard. Where he is going with this is he went up there and got pictures. There are no markings. Wonders why there was no call out.

Dale said he will have to check.

Yonic Parada asked who would get back to him.

Dale- said he will.

Yonic Parada asked where we are on the parkway on the storm runoff.

Attorney-She sent an email to Dale and Scott and they are working on it. Trying to get deed information for all of those other properties, too to see if they have any easements.

Yonic-Also hear Mr. Foote in the presentation was done. Very good He came up right now with all this work we have put in for this water basically about \$150,000 we have spent. Dale said it was \$60,000-\$70,000. Right now, he made a statement that we are going to be saving \$1.39 per thousand gallons used. To him the way off of what we are spending and what we are savings is it going to be worth it.

Dale said we were not don't with the project yet. As he said this is as of today.

Yonic. We don't even have a rate yet. The ones that are getting Royalton water are still paying the village price and you're getting it at \$3

Dale-We have only had this thing open for a little over three weeks totally. We don't know how far we can go. We don't know how much we can affect. We don't know how much percentage is going to change. He can't come up with a new rate, nor can't the board until more data is garnered. It has to be a slow step by step process. And in the winter time this is about the last time you want to open up and close a bunch of valves.

Limina-We have seen at least three water bills from Royalton, so has some part of this town not been opened up to Royalton for three months now?

Dale-It hasn't been three months. We did a test quite a while ago and just brought it down Freeman Rd. This was back last year. Then we extended it a little bit more and then we got it shut down. And then we turned it back on again and then we had to wait because we had to take a piece out of the Blair Rd. and it sat there. It stabilized. We did some tests; we opened it up. We went into Shelby Center and South a little bit and it sat. This is all within the last three months.

Limina-We have been getting water bills from Royalton.

Dale- yes because we have only been coming a little way with it. It's been turned on. He is sorry, Freeman Road and Johnson Road has been turned on since like October, but it was just doing minimal

Limina-what is minimal? Quarter of a mile, five miles.

Dale- Salt Works Road, Johnson Road, Freeman Road was like the first.

Karen Jones-saw in the Orleans Hub today that Mr. Root wrote a letter to the editor inviting all persons running in the Shelby Republican primary to participate in a May debate which she thinks is a great idea. Debate is indeed a cornerstone of our democracy. She is requesting that the town board sponsor a debate later on as well of all the eligible candidates running for town office in September or October of 2025 so the voters can get an accurate thorough snapshot of the options. Such a debate could be in an impartial large space such as the high school auditorium or a local church. A mediator for such a debate could be a local journalist, civics teacher or a minister.

Thank you for considering this request.

Joe Sidonio-doesn't live here. He lives in the Town of Murray. He commends everybody for having a spirited town hall. It's good. Listening to the meeting he has a couple of comments. He doesn't understand in the accounting program how you are using QuickBooks for governmental accounting because governmental accounting is fund accounting and QuickBooks is cash accounting, just something to think about on the accounting thing. He isn't going to delve into the debate of that. But QuickBooks is a cash basis accounting program and government runs on fund accounting. Looking at the water department as a consequence of the presentation. Are there any documents that you have that show the fund balances of each water district to see how the health of each district is? He enjoyed the presentation from the engineer. He worked on water in Murray quite a bit. Something for the board, maybe Dale to think about- in this business of water loss, he likes the term unbilled water because its water you are not collecting. You're buying but you're not collecting any revenue on. Wanted to ask the assessor if the Shelby Fire District recognizes the agricultural assessment of the land. Do they tax on full market value of open farmland?

Assessor-she doesn't work for the fire departments or set the fire rate so she doesn't know. She says that farming has the farming exemption then they have the exemption for the town and county. If you're doing the deal with the solar people since our fire department are struggling with volunteers and funding, he heard the presentation that we are going to contribute to the county, town and school. He didn't hear anything about the fire department. Would like to say if solar is going to be donating or paying taxes that they should fund fire departments as well.

Motion by Limina, second by Zelazny to close the meeting at 8:54 PM

Ayes-5

Opposed-0

Motion carried

Respectfully submitted,

Darlene A. Rich, MMC, RMC
Town Clerk