

**REGULAR MEETING  
SHELDON TOWN BOARD  
JUNE 15, 2022**

The Regular Meeting of the Sheldon Town Board held June 15, 2022 at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145 was called to order by Town Supervisor Brian Becker at 7:00 p.m.

Present: Supervisor Brian Becker  
Councilmen: Vince Kirsch, Jim Fontaine, Joe Meyer, Mike Armbrust  
Recording Secretary: Town Clerk Carol Zittel  
Absent: Highway Superintendent David Ricketson  
Also present: Resident Ray Kirsch, Town Historian Jeanne Mest, Attorney David DiMatteo

**Minutes**

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the minutes from the May 18, 2022 regular meeting be approved.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**Communications**

The Town Clerk, Carol Zittel, did not have any communications to report were not already on tonight's agenda.

**Reports**

The Town Supervisor financial reports, Town Clerk report and Town Justice reports were distributed.

**Zoning Report**

**MONTHLY REPORT**

**Date:** June 1, 2022 – Report for May 2022

**Town:** Sheldon

**Open Projects:**

- William Snyder (Windy Brew) 733 20A, SBL: #54.-2-10.2 – submitted an application for expansion of their existing special use permit. Currently the establishment is open from Wednesday to Sunday. The applicant is requesting to be open from Monday to Sunday. The application went before the Wyoming County Planning Board on May 2, 2022. **The applicant withdrew the application on May 19, 2022.**

**NOTE: David McNulty meeting** on May 11, 2022: Mr. McNulty didn't notify his neighbors so the application was tabled until May 25th where he will come back to the ZBA for a special meeting. The area variance was approved on May 25<sup>th</sup>.

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**Permits Issued:**

**May: 3 permits**

- Jason Sloan (2570 Maxon Road) – submitted an application for 15.36kW DC/13.6k AC ground mounted solar array
- John Becker (3746 Route 77) – submitted an application for 50’ x 72’ pole barn
- Florence Yott (1112 Route 20A) – submitted an application for 24’ x 32’ shed

**Violations:**

- Dennis Mills - 1907 Route 20A (SBL: 56.-2-26) – Violation Notice/Order to Remedy issued September 28, 2021. Property owner is to remove and dispose of, or place into storage any un-registered or inoperable motor vehicles, lawn mower or other miscellaneous vehicle parts and pieces. Original dates for corrections to be made was October 28, 2021; Mr. Mills is working with Don Roberts at Building Codes to start resolving this matter. Visual inspection performed by the Building Department on 11/22/2021 shows that progress is being made. David DiMatteo issued a 10 day attorney letter on January 3, 2022. Updated photos were taken by Don Roberts of the Wyoming County Building Department on April 15, 2022. As of 6/2/2022, David DiMatteo’s office has drafted a summons and complaint to be approved by Mr. DiMatteo, who will be out of the office until Monday, June 6, 2022. Once he has approved those documents next week, his office will proceed.
- Joshua Ennis and Anne Elliott – 2009 Thomas Road (SBL: 68.-1-12.112) – Violation Notice/Order to Remedy issued April 14, 2022. Property owner is to either remove the camper located on the vacant parcel, OR a parcel merge request must be filed and approved by the Town Assessor for 2009 Thomas Road and 1942 Thomas Road to become one parcel, OR a use variance application needs to be filed with the Wyoming County Zoning Department. Deadline is May 19, 2022. The property owner notified the Zoning Department that a parcel merge has been filed. Once proof of the parcel merge has been received, this violation will be resolved. Follow-up e-mail sent to Mr. Ennis on 5/31/2022 requesting a copy of the completed parcel merge so that this violation can be resolved.

**Highway Superintendent Report**

Highway Superintendent David Ricketson did not attend tonight’s meeting. He submitted a written report as follows.

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**Truck #237 Western Star**

The Engine Control Mode went bad in the Western Star. Marquart Repair found one for \$1,500.00 and Penn Detroit installed and programmed it yesterday.

**Salt Building**

The salt building is full. I purchased all the salt we had left on the old contract at \$50.45/ton. Price is now \$57.50/ton until new bid comes out in September. There is more in the building now than there was last year so the department should be all set for the 2022-23 season.

**Snow Plow Cutting Edges**

Snow plow cutting edges are stocked for the 2022-2023 season.

**Crack Filling**

The Department is planning on crack filling the week of July 18<sup>th</sup>.

**Mowing Roadsides**

The Department is approximately 1/3 done mowing roadsides.

**Supervisor's Report**

Supervisor Becker reported on the following:

**Wyoming County Community Hospital**

New CEO and CFO is on the job.

The hospital is bleeding money. \$2.7 million in April. The good news is that the quality score for the hospital is a B rating.

**Video Conferencing Law**

The County passed a Local Law allowing for videoconferencing of Board meetings for extreme cases. Supervisor Becker will get a copy of the Law for the Town to consider passing.

**Equalization Chart**

The Town of Sheldon is at a 97% equalization rate. The Towns of Gainesville and Middlebury are at 100%.

**Acceptance of Reports**

A motion was made by Joe Meyer and seconded by Mike Armbrust to accept all reports as presented.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**Old Business:**

**ARPA**

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Supervisor Becker will meet with Cheryl Ketchum, Clerk to the Wyoming County Board of Supervisors, to work on ARPA paperwork. Supervisor Becker would like to cement the front of the highway bays with the ARPA funding. The Board had a short discussion on whether blacktop should be used or a combination of concrete/blacktop. The Board will discuss again next month.

**Spectrum Update**

The Town Clerk and Town Bookkeeper were on the phone with Spectrum for 1.5 hours today trying to rectify the billing issue. The Town was receiving two incorrect Spectrum bills. One bill had the new internet service with two phone lines that don't exist at the hall. The other bill was for the old internet service and phone lines.

**Spectrum Complaints from Residents**

The Town Clerk received complaints regarding Spectrum service. Apparently, service has been inconsistent and it has gone out on several occasions. Councilman Fontaine noted that his daughter had to take a day off from working at home due to internet service being down all day. Assemblyman DiPietro's office had directed the resident to call the Town Supervisor regarding these issues. Supervisor Becker noted that there isn't anything the Town can do and these complaints should be directed to Assemblyman DiPietro and Senator Gallivan.

**Windy Brew**

Michelle and Bill Snyder withdrew their special use application requesting additional days of operation. Mr. Snyder called the Town Clerk yesterday and inquired as to who made the comment at the May meeting that the Sheriff's office was called to clear 20A of cars for the snow plows. I responded that it was Supervisor Becker. Mr. Snyder wanted to know why Supervisor Becker didn't also report that no cars were asked to move from the roadway. Mr. Snyder indicated that his Attorney is looking at defamation issues with the Board.

**Varysburg Water**

A meeting with the Varysburg Water Advisory Board has not been held yet. Councilman Meyer asked what engineering firm the District is working with. Supervisor Becker responded Barton & Loguidice. Councilman Meyer asked if he could reach out to another firm to which Supervisor Becker responded yes.

**Varysburg Water Grant Funding**

Supervisor Becker noted that the Water District will not be eligible for block grant funding this year due to the requirement of a 51% population poverty level. An income study would need to be done and it is not likely that the Water District would meet that poverty level. Supervisor Becker noted that there still may be grant funding availability for the construction of new lines but not for this block grant funding for engineering design. The other hindrance to grant funding is the Water District's relatively low water rates as Attorney DiMatteo alluded to at last month's meeting.

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**Varysburg Water – Operations**

Slack chemical rates are going up for chlorine. Supervisor Becker reported that he was in the pumphouse on Sunday and that the Water District has extra chlorinators and the pumphouse operations is going well.

**Varysburg Water – Water Leak**

There was a water leak in front of the Rudolph house on Route 98. Ed Zehler, from Zehler Excavating met Supervisor Becker and Thane Wright at the leak. Zehler's was unable to assist as the leak was under a State road. Supervisor Becker called Andy Meyer from the Wyoming County Health Department in the middle of the night. Wyco Construction was called at 2:00 a.m. D&H Excavating was called but could not come until morning. Wyco Construction arrived at 8:30 a.m. and started digging at the shoulder of the road. A boil water order was put into place and Thane Wright's daughters distributed the flyer door to door. Supervisor Becker notified the DOT engineer from Warsaw. The water line was a foot into the driving path and there was a hole right through the line. Since this was a Sunday call, Wyco Construction will bill at union wage which we presume is double time.

**Varysburg Park Garbage Disposal**

Supervisor Becker spoke with Darlene Janes and Dave Thornton regarding garbage disposal at the park. Mr. Thornton offered to take home any garbage bags that may need to be disposed of over the summer at the park.

**Strykersville Fire District Diminution**

Attorney David DiMatteo was present at tonight's meeting to discuss the need for diminution of the Strykersville Fire District due to the Town of Holland withdrawing from the district.

**RESOLUTION OF THE TOWN OF SHELDON AUTHORIZING A PUBLIC HEARING REGARDING THE DIMINUTION OF THE STRYKERSVILLE FIRE PROTECTION DISTRICT**

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, on August 25, 1952, the Towns of Sheldon, Java and Holland had established a Fire Protection District known as the Strykersville Fire Protection District; and

**WHEREAS**, in 2021, the Town of Holland withdrew from the Fire Protection District, leaving the Towns of Java and Sheldon as the Strykersville Fire Protection District; and

**WHEREAS**, on November 17, 2021, the Town of Sheldon and the Town of Java entered into a contract for Fire Protection & Emergency Ambulance Service, said contract expires on December 31, 2022; and

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**WHEREAS**, the Town Boards of the Towns of Sheldon, Java, and Holland have determined it to be in the best interest of the Towns to amend the existing boundaries of the Strykersville Fire Protection District to exclude areas located in the Town of Holland; and

**WHEREAS**, under the authority of Town Law and 172-C, towns are permitted to amend the boundaries of an existing fire protection district upon the majority vote of the jointly acting Town Boards who are included within the district; and

**WHEREAS**, the geographic boundaries of the Strykersville Fire Protection District, excluding the Town of Holland is as follows:

The following is a statement of the boundaries and description of the proposed fire protection district as described in said petition to wit.  
Town of Sheldon, Wyoming County, New York, Beginning at the southwest corner of the Town of Sheldon; thence north along said Town of Sheldon's west line to the north line of a parcel of land owned by Eugene Musty; thence east along said Musty's north line to the west line of a parcel owned by Edward Conrad; thence North along said Conrad's west line to the north line of a 64 acre parcel owned by Edward Conrad; thence east along said Conrad's north line to a highway known as Dutch Hollow Road; thence south along said highway to the north line of a parcel owned by Edward and Earl Conrad; thence east along the north line of said parcel to the northeast corner of said Conrad's parcel; thence south along said Conrad's east line to the north line of a parcel owned by Aloysius George; thence east along said George's north line to the northeast corner of said George's parcel; thence south along the east line of said George's parcel to the north line of parcel owned by Otto Barvian; thence east along said Barvian's north line and the north line of a parcel owned by Anna Schiltz to the northeast corner of said Schiltz's parcel: thence south along said Schiltz east line to a highway known as Perry Road; thence east along said Perry Road to a highway known as Cattaraugus Road to the south line of the town of Sheldon; thence west along said Town Line to the southwest corner of the Town of Sheldon.

Town of Java, Wyoming County, New York: -- All that property in the Town of Java west of the highway known as Cattaraugus Road.

**WHEREAS**, the Town Board of the Town of Sheldon believes it to be in the best interest of the Town of Sheldon to hold a joint public hearing with the Town of Java and the Town of Holland to further discuss and hear public opinion with regard to the diminution of the Strykersville Fire Protection District and the revision of the legal description of the Strykersville Fire Protection District to remove the Town of Holland; and

**NOW ON MOTION OF Joe Meyer** which has been duly seconded by **Mike Armbrust**,  
be it

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**RESOLVED**, that Town Board of the Town of Sheldon will hold a joint public hearing with the Town of Java and the Town of Holland with regard to the diminution of the Strykersville Fire Protection District on the 27<sup>th</sup> day of June, 2022 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed diminution of the fire district will be heard.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**New Business:**

**Byrncliff Swim Program Swim Contract**

A motion was made by Jim Fontaine and seconded by Joe Meyer to approve the contract with Byrncliff Resort for the 2022 swim program at a rate of \$32 per hour.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**Cemetery Maintenance – Pioneer Cemetery**

Historian Jeanne Mest was present at tonight's meeting and made the Board aware that her husband, Paul, mowed the Pioneer Cemetery at Perry Road, as she was receiving comments regarding how unkept the cemetery looked. Supervisor Becker responded that cemetery caretaker, Joseph Yox, was going to mow the cemetery before the holiday weekend and when he arrived the cemetery had already been mowed by Mr. Mest. Supervisor Becker noted that Mr. Yox is only obligated to mow the cemetery three times a year. Ms. Mest is hoping to get a group of volunteers together to clean up the cemetery. The Town Clerk offered to post a notice asking for volunteers on the Town Facebook page if that would be helpful. Councilman Fontaine offered to assist with his bucket tractor.

**Historical Marker Sign**

Ms. Mest thanked the Town for assisting with the install of the "Willow Tree" historical marker.

**Contact Info – Former Historian**

Ms. Mest has received inquiries from folks who are concerned with the conflicting contact information for the Town of Sheldon Historian. The former Historian, Barb Durfee, still has her Historian website in use and her email address as Sheldon Historian. There is a concern that the general public may be reaching out to the former historian. Supervisor Becker has made Attorney David DiMatteo aware of the issue.

**Dog Enumeration – County-Wide**

Due to safety concerns with door-to-door dog enumerating, the County Animal Control Officer, Justa Goodell recommends a county-wide dog enumeration for next year. Ms. Goodell will gather information on the cost of such an endeavor and supply those numbers to the Town for budgeting purposes.

**Garbage Pick Up – Non-Profits**

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The Town Clerk was contacted by the Strykersville American Legion and Harris Corners Fire Department regarding trash service by Waste Management. The Town Clerk informed the organizations that non-profits, businesses, and government offices are not eligible for services. Supervisor Becker confirmed with the County that this was the policy.

**Mileage Rate Increase**

A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the mileage rate increase to .625 per IRS guidelines.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**NYS Retirement Hours – Jason Janes**

**BE IT RESOLVED**, that the Town of Sheldon hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Jason Janes, Town Justice, Current Term Begin & End Dates: 1/1/22-12/31/22, Standard Work Day 6 hours, Record of Activities Result 3.0, Pay Frequency Biweekly.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**Bills:**

Supervisor Becker confirmed that the Board had a chance to review the abstracts.

A motion was made by Vince Kirsch and seconded by Joe Meyer that the

General Bills #108 to #138 for a Total of \$9,860.39, the

Highway Bills #70 to #86 for a Total of \$121,560.30, the

Trust & Agency Bills #18 to #20 for a Total of \$569.72, the

Lighting District Bills for a Total of \$1,368.15, and the

Varysburg Water District Bills #26 to #29 for a Total of \$154.62 be paid.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.

**Comments from the Floor**

At 8:20 p.m. Supervisor Becker opened the floor to comments.

**Possible Retirement – Highway Superintendent**

Councilman Armbrust asked if the Town has been informed that the Highway Superintendent, David Ricketson is considering retirement. Supervisor Becker confirmed that Mr. Ricketson is considering retirement and that Mr. Ricketson will wait until everything is in order and a replacement has been found.

**Passing of Leona Meyer**

Councilman Meyer gave a touching tribute to his Aunt and longtime Sheldon resident, Leona Meyer who passed recently at the age of 102 and a half.

**Adjournment**



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At 8:35 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to adjourn the June 15, 2022 meeting of the Sheldon Town Board.

Ayes: (5) Becker, Fontaine, Kirsch, Armbrust, Meyer    Nays: (0)    Motion Carried.