

**REGULAR MEETING
SHELDON TOWN BOARD
MARCH 15, 2023**

The Regular Meeting of the Sheldon Town Board held March 15, 2023 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: Jim Fontaine, Vince Kirsch, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Absent: Highway Superintendent Luke Metz, Councilman Mike Armbrust
(Councilman Armbrust joined by video but did not participate in voting)
Also present: Warsaw Courier Reporter Maya Borer, Town Tax Collector & Court Clerk Donna Almeter

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the February 15, 2023 regular meeting be approved.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Communications

The Town Clerk Carol Zittel reported on the following:

Prevailing Wage Information Distributed

The Town Clerk distributed information received from the NYS Association of Towns pertaining to prevailing wage regulations.

Town Finance School

The NYS Association of Towns is hosting a finance school in Geneva May 8-9.

Town Clerk Conference

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Clerk to attend the NYS Town Clerk conference April 23-26 in Syracuse.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Communication from Senator Borrello

The Town Clerk has been in contact with Senator Borrello's office regarding broadband expansion in the Town. The Town Clerk will work with Julie Schmidt, District Coordinator for Senator Borrello to submit an updated list of residents without Spectrum connections.

Ms. Schmidt sent an email regarding ConnectAll, an initiative by Governor Hochul to deliver internet access to NYS residents. There is an information session on March 22nd at Highmark Stadium in Orchard Park and one on March 31st at the Henrietta Public Library. Sessions also have a Zoom option.

Senator Borrello is also hosting a Zoom meeting with local elected officials to provide an update on the current status of the budget and other legislation in Albany as well as receive feedback from local communities on March 22nd. Zoom log in info has been sent to the Town Board.

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WYOMING COUNTY ZONING MONTHLY REPORT

The zoning report from October 2022 was also submitted and distributed and filed in the Town Clerk's office.

Date: March 1, 2023 – Report for February 2023

Town: Sheldon

Open Projects:

1. Bernice Perl- 2719 Humphrey Rd- An application for a land separation received on 1/24/23 to separate 5 acres and dwelling from original parcel of 187.49 acres. This matter will go in front of the Planning Board on 3/8/23 for final decision.

Permits Issued:

February: 7 permit:

- Jeremy Boorman (2571 School Street) – zoning permit was issued for land separation, to separate 0.23 acres from 1.50
- William & Judith Calmes (2074 Schwab Road) – zoning permit was issued for land separation, to separate 3 acres from original parcel of 58.04
- Breezyhill Dairy, LLC (2705 N. Sheldon Road) – zoning permit was issued for Special Use Permit for farm tenant housing
- Robin & John Schwartz (2000 Centerline Road) – zoning permit was issued for land separation, 0.26 acres to be merged with Tax Map No. 80.2-1-7; 1.11 acres to be merged with Tax Map No. 80.2-1-5
- Timothy Phillips (2335 Rt. 98) – zoning permit was issued for 16' x 16' deck w/roof off of rear of dwelling
- Jason Perl (2719 Humphrey Road) – zoning permit was issued for 18' x 25' enclosed porch with 700 sq ft. wraparound deck

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- Robert & Karol Augsburger (406 Falls Road) – zoning permit was issued for 2,537sf home with 614 sf attached garage

Special Use Permits Renewed & Inspected: none this month

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. An original date 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. On June 2, 2022, Mr. DiMatteo’s office received the signed resolution and drafted a summons and complaint to be approved by Mr. DiMatteo. As of July 14, 2022, Mr. DiMatteo approved of the summons and complaint and received the signed copy from the town. On 8/1/2022 and 8/25/2022, Don Roberts conducted visual inspections of the property and copies of the findings were sent to Mr. Mills with a copy to Mr. DiMatteo and Supervisor Becker. As of August 12, 2022, Mr. DiMatteo’s office submitted a request for Judicial Intervention and we are waiting for a court date. The first court appearance was held on October 11, 2022. The next court appearance was held on November 17, 2022 at 9:00am and was postponed to December 6, 2022. The judge granted the defendant a Court Appointed Attorney and a follow-up hearing was held on December 19, 2022. Currently waiting on the next court date.

Reports

The Town Supervisor financial reports, Town Clerk report and Town Justice reports were distributed. (Only Justice Janes submitted a court report this month – Justice Kirsch will submit her February and March report at the April meeting)

Highway Superintendent Report

Superintendent Luke Metz was absent from tonight’s meeting but submitted a written report.

- 3 sides of the concrete walls on the salt building were resealed
- Supt. Metz attended advocacy day in Albany March 7-8. Hoping NYS will increase CHIPS funding for road repairs

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- F550 truck should be delivered by mid-April
- Salt vendor: Supt. Metz researched other Town Superintendent's experiences with a salt supplier other than American Rock Salt and based on their observations, he would like to remain with American Rock Salt.

Supervisor's Report

Supervisor Brian Becker reported on the following:

Justice Janes Training

Justice Janes did not complete a mandated video training and was barred from hearing cases until completed. Court Clerk Donna Almeter notified the Board that two police officers drove to Sheldon to serve the paperwork. Ms. Almeter stated that Judges are mandated to complete 12 hours plus implicit bias training and they have 12 months to complete it. Councilman Kirsch replied that he assumes Justice Janes will now stay current going forward.

Mills Zoning Violation

The judicial order to permit the Sheriff's office and Building & Codes office to go on the Mills property to take photos and conduct an inspection needs to be rewritten and then signed by Justice Kibler.

F550 Purchase

Supervisor Becker wanted it noted in the minutes that the salesperson at the Ohio dealership is no relation to the highway superintendent. (they share the same last name of Metz)

Firefighter Tax Exemption

There is an ongoing conversation at the County level regarding a possible tax exemption for volunteer firefighters but there were many questions raised. Questions that were raised: Does the firefighter have to live in the fire district he volunteers for? Minimum number of years of service? Do they have to be an active member or does it apply to firefighters who have served for decades but are no longer active. Supervisor Becker will report back when more details are available.

Court Issues with Tickets

Supervisor Becker spoke with Sheriff Linder regarding the issue with tickets not being uploaded to the court office. Sheriff Linder believes it is an issue at the Albany level. Donna Almeter noted that it has been over a month since she has downloaded a ticket from Wyoming County.

Wyoming County Community Hospital

The State of California has now lifted all COVID restrictions for employees. Wyoming County is hoping New York State follows suit to hopefully alleviate staffing issues.

Vincent Almeter Memorial Park

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Councilman Meyer has been working with the park committee and notified the Supervisor of a tree that needs to be removed. The owner of the property, Dustin Fugle, will take care of it. Councilman Meyer noted that the park is in need of new plastic border around the playground and that the park committee is having a hard time finding the material. Councilman Kirsch said he will look into finding a vendor and requested a photo of the material.

Board of Supervisors Meeting with Farm Bureau

The Board of Supervisors heard concerns from the farm bureau regarding proposed legislative changes. Some of the concerns:

- Overtime pay for hours worked over 40 hours
- Unionization of farm labor
- Expansion of land management board to include 5 community members

Wyoming County has sent a letter opposing these changes.

Acceptance of Reports

A motion was made by Jim Fontaine and seconded by Vince Kirsch to accept all reports as presented.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Old Business:

Polling Site in Sheldon

Supervisor Becker spoke with Board of Elections Commissioner Hank Bush earlier today for an update from last month's meeting. The priest at St. John Neumann's parish has been transferred to another parish and the parish secretary retired last week. Supervisor Becker is unsure if the new priest will change their stance on charging for hall use during the elections. Supervisor Becker feels this issue should go in front of the church council. The Wyoming County budget director informed Supervisor Becker that the County will bill back the charges to the Town of Sheldon.

ARPA Funding

Nothing new to report.

Spectrum Update

The bills from Spectrum seem accurate except the bill should only be charging for three phone lines not the four listed. The Town Clerk will reach out to Spectrum to cancel an additional two fax lines bringing the total number of phone lines with Spectrum to one. The court office phone will then be switched to Verizon and removed from Spectrum as well. The only remaining charge with Spectrum will be for internet.

Varysburg Water

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The 2022 water usage report was submitted by Thane Wright. Supervisor Becker noted that the District is pumping out more water than they are selling and that there must be a leak somewhere.

Update to Fire District Maps

Supervisor Becker spoke with Attorney DiMatteo today and was informed that fire department Attorney Mark Butler needs more time to review the maps.

NYMIR Inspection/Historical Schoolhouse

Councilman Fontaine attended the Historical Society meeting and notified the Society that the swing and slide at the Schoolhouse need to be removed per the Town insurance carrier. Supervisor Becker will ask the highway department to remove them.

Pioneer Cemetery Clean Up

Councilman Fontaine offered to bring his lift down to the Pioneer cemetery to remove a tree. He states he needs to do so before April 15th as the Historical Society plans to have a community clean up day on the 15th of April.

Internet at Historical Society

The Town Clerk answered a question from Councilman Fontaine regarding internet availability at the Schoolhouse. The Town Clerk replied that Town Historian Jeanne Mest brings a Verizon mifi device to the Schoolhouse for internet access. The Town reimburses Ms. Mest for the cost of the device and the monthly charge. Spectrum was cancelled well over a year ago at the Schoolhouse.

Repairs to Schoolhouse Porch

The Historical Society will be purchasing materials for the porch repairs and the Town Board will hire a contractor for install.

Audit of Town Books

Don Przybyl submitted his written audit report and it was distributed via email to the Board before the meeting.

2023 Zoning Rates

There was a short discussion regarding the proposed increase in zoning rates. A proposed charge of approximately \$16,000 to the Town of Sheldon has been proposed by Wyoming County Code Enforcement. Supervisor Becker is in talks with the Towns of Java and Orangeville regarding sharing a zoning officer. Donna Almeter commented that she heard the Town of Java has found a qualified person. The Town Clerk tabulated the number of permits issued in 2022 – approximately 46 permits/land separations were issued. Councilman Armbrust suggested that the Town Board ask the Planning Board for their thoughts as they are working with the County on rewriting the Town zoning law.

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New Business:

Water Operator Course

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to attend the Certified Water Operator Class 10/16-10/19/23 at SUNY Morrisville at a cost of \$525 plus mileage and hotel.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Wyoming County Sheriff Office Court Security

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to sign the contract with the Wyoming County Sheriff's Office for court security.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Agreement to Spend Town Highway Funds

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to sign the agreement with Wyoming County Highway to spend highway funds.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Highway Superintendent School

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Highway Superintendent to attend highway school June 5-7 at Ithaca College.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Payroll Software Agreement

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the payroll software contract with Williamson Law Book Company at a cost of \$1,001.00 for a contract period of 4/1/23-3/31/24 and to also authorize the bill to be added to tonight's bills.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Bills:

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

A motion was made by Jim Fontaine and seconded by Joe Meyer that the

General Bills #44 to #71 for a Total of \$27,924.64, the

Highway Bills #29 to #40 for a Total of \$12,748.80, the

Lighting District Bills #3 to #3 for a Total of \$1,088.46, the

Trust & Agency Bills #4 to #4 for a Total of \$234.00, and the

Varysburg Water District Bills #12 to #16 for a Total of \$796.89 be paid.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Comments from the Floor

At 8:10 p.m. Supervisor Becker opened the floor to comments. There were none.

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Adjournment

At 8:11 p.m. a motion was made by Brian Becker and seconded by Vince Kirsch to adjourn the March 15, 2023 regular meeting of the Sheldon Town Board.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried