

**REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2023**

The Regular Meeting of the Sheldon Town Board held May 17, 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, Mike Armbrust
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Luke Metz, North Java Fire Commissioner Kevin Vickers, Wyoming County GIS Coordinator Joanna Craigmile, Varysburg Fire Commissioner Bob DeFedericis, Varysburg Fire Commissioner Scott Almeter, Strykersville Fire Chief Eric Kirsch, Sheldon Fire representative Chris George, Harris Corners Fire Chief Tommy Keem, resident Deanne Siemer.

Open Public Hearing – Fire District Maps

At 7:03 p.m. a motion was made by Jim Fontaine and seconded by Vince Kirsch to open the three public hearings for the alterations of the Varysburg Fire District, North Java Fire District and Sheldon and Strykersville Fire Protection District boundaries.

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

Discussion – Fire District Maps

Supervisor Becker thanks Wyoming County GIS Coordinator Joanna Craigmile for her hard work on this project referring to her as a “rock star.” Supervisor Becker thanked Town Clerk Carol Zittel and former Town of Java Town Clerk Janet Zielinski. Ms. Zielinski was present at tonight’s meeting. Supervisor Becker also thanked all of the fire chiefs for working together to come to an agreement on how to correct the maps.

Varysburg Fire District Commissioner Bob DeFedericis was present at tonight’s meeting and noted that Varysburg is happy with the recommended alterations. North Java Fire District Commissioner Kevin Vickers was present at tonight’s meeting and stated that the North Java Board of Commissioners is in favor of the changes. Chris George was present to represent Sheldon Fire and stated his approval of the changes as was Eric Kirsch representing Strykersville. Tommy Keem was present representing Harris Corners Fire Department. No changes were made to the Harris Corners boundaries.

Close Public Hearing – Fire District Maps

As there was no further discussion, a motion was made by Jim Fontaine and seconded by Mike Armbrust to close the three public hearings for the alterations of the Varysburg Fire District, North Java Fire District and Sheldon and Strykersville Fire Protection District boundaries.

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

Adoption of Resolutions – Fire District Boundaries

SCANNED COPIES OF THE THREE RESOLUTIONS ARE ATTACHED TO THE END OF THESE MINUTES

Minutes

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the minutes from the April 26, 2023 regular meeting be approved.

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

Communications

The Town Clerk Carol Zittel reported on the following:

Swim Sign Ups

Swim sign ups are May 20th 9am-11am at the Town Hall. Ruth Metzger is the new Recreation Director and will be handling the sign ups. Information is posted on the Town website and Facebook page.

Varysburg Water Quality Report 2022

The Varysburg water quality report for 2022 is filed in the Town Clerk’s office and is posted on the Town website. Katie Chmura, Town Bookkeeper, will be mailing every customer a copy.

**REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2023**

Reports

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

Highway Superintendent Report

Superintendent Luke Metz reported on the following:

Hauling of Stone

All stone for oil and chipping has been hauled. The following roads are planned: Falls Rd., Armbrust Rd., Maxon Rd., Bartz Rd.

Trucks

All plow frames are off and trucks have been looked over.

Shared Services with East Aurora

On May 4th the Department assisted East Aurora with a paving job.

Paving Almeter Road

- On May 8th the Department paved Almeter Road. It took 1,265 ton which is lower than what had been expected.
- Could not pave over the bridge as Wyoming County plans on replacing it in 2026. The following Towns assisted: Bennington, Arcade, Java, Attica, Wales, Warsaw, Orangeville, Middlebury, Perry, Gainesville and East Aurora.

Surplus Equipment

A motion was made by Vince Kirsch and seconded by Jim Fontaine to declare the following equipment as surplus and to authorize the Highway Superintendent to sell it on Auctions International or another similar site.

2012 TeraStar, 1986 Ford Backhoe, 3 chipping boxes, tow behind rake, jumping jack, walk behind snowblower, pickup salter, splined impact wrench, tire chains, 3-brine tanks, dump trailer, truck mounted shoulder machine, 1 extra wing, 1 v-plow.

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

Purchase of Flat Trailer 20 ft

The Highway Superintendent would like to buy a flat trailer to replace the dump trailer that was just declared surplus. He will have pricing at next month's meeting.

Supervisor's Report

Supervisor Brian Becker reported on the following:

Intermunicipal Agreement – Address Assignment Services

The County has requested an intermunicipal agreement for address assignment services.

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to sign the intermunicipal agreement with Wyoming County for address assignment services.

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

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made this 17th day of May, 2023, by and between the **COUNTY OF WYOMING**, a municipal corporation with its principal place of business at 143 North Main Street, Warsaw, New York 14569, (“hereinafter “County”), and the Town of Sheldon, a municipal corporation with its principal place of business at, 1380 Centerline Rd., Strykersville, NY 14145 (hereinafter “Municipality”).

REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2023

Witnesseth:

WHEREAS, the County and the Municipality have entered into an agreement to provide Address Assignment Services.

NOW, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The County will continue to provide Address Assignment Services for the Municipality subject to the terms and conditions of this Agreement.

2. The County will assign addresses in accordance with current best management practices to ensure that addresses are assigned in order to the extent practicable to expedite emergency services.

3. The Municipality shall agree to hold harmless the County of Wyoming, its officers, Directors, Agents and employees from and against all claims, suits, liens, judgments, damages, losses and expenses including reasonable legal fees and adhere to all Municipal, State and Federal Laws pertaining to any litigation brought before the Municipality.

4. This Agreement shall become effective immediately, and remain in effect in perpetuity or until one party or the other removes themselves from said agreement.

WYOMING COUNTY ZONING MONTHLY REPORT

Date: May 1, 2023 – Report for April 2023

Town: Sheldon

Open Projects:

- **Crossroads Land Management, Inc. (Brian Eddy) 0 Route 77**, Special Use Permit for storage units. The zoning permit is ready to be issued once the land separation is completed.

Permits Issued:

April: 2 Permits

- **Riley Sacher (346 Bloecher Road)** – submitted an application for 30' x 40' pole barn
- **Tennessee Pipeline (Route 20A)** – submitted an application for land separation with area variance. The area variance is for reduction of road frontage requirement from 200' to 0'. The land separation will create a vacant tract of land to act as a buffer for operation of Tennessee's facilities. The southern portion of the property will continue to be operated as campground and mobile home park by the current owner.

Special Use Permits Renewed & Inspected: No special use permits renewed or inspected this month

**REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2023**

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.

Acceptance of Reports

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

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

Old Business:

ARPA Funding

Supervisor Becker has submitted paperwork through the online portal. Town Bookkeeper Katie Chmura has supplied copies of meeting minutes, receipts, etc...

Remaining funds will be used for the generator. Supervisor Becker and Highway Superintendent Metz met with Scott Keefe, senior engineer from Barton & Loguidice, for a proposal for writing specifications for the generator.

Spectrum Update

The Town Clerk called Spectrum to again dispute a billing mistake. The Spectrum bill should only have the internet and two phone lines (court fax and phone) being billed.

Varysburg Water Update - Grant

Thane Wright met with the engineers from Barton & Loguidice last week. They discussed extending water service on Thomas Road and providing water to Boxler's Maple building. The hope is that the District will receive a 50% matching grant.

Varysburg Water – Thomas Road

Supervisor Becker met with Henry Hartwick of Thomas Road regarding a wet spot coming down off the hill. Thane will test the water for chlorine. Supervisor Becker does not suspect it is a water leak, feeling it may just be the natural springs. Supervisor Becker noted that the water may have to be shut off to find possible leaks.

Varysburg Water – Purchase of Sheldon Elementary

The Board had a brief discussion with Don Roberts regarding the potential purchase of Sheldon Elementary and the permits that may be required for the project. The Board will be meeting with

**REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2023**

the Varysburg Water Advisory Board to discuss the allocation of EDU's for the former school. The Board and Mr. Roberts are in agreement that if two EDU's are initially assigned that additional EDUs may be necessary if the business grows beyond initial plans.

Special Meeting with Varysburg Water Advisory Board

A motion was made by Vince Kirsch and seconded by Joe Meyer to schedule a special meeting with the Varysburg Water Advisory Board on Wednesday, June 7, 2023 at 7:00 p.m. at the Varysburg Fire Hall to meet with engineers from Barton & Loguidice on grant paperwork and to also work on the proper assignment of EDUs for customers of the Varysburg Water District. Ayes: (5) Becker, Fontaine, Kirsch, Meyer, Armbrust Nays: (0) Motion Carried.

Appointments – Varysburg Water Advisory Board

Supervisor Becker may have potential new water advisory board members to be appointed at the June 7th meeting.

NYMIR Inspection/Historical Building

Supervisor Becker spoke with Tomkins Insurance representative Mike Hardie regarding the list of items from the NYMIR inspection. Mr. Hardie recommended tackling the items we can get done.

New Business:

Broadband Coverage Maps

GIS Coordinator Joanna Craigmile is working with the Town Clerk to get an accurate map of broadband coverage in the Town in the hopes of receiving NYS funding to expand coverage.

Bills:

Supervisor Becker confirmed that the Board had a chance to review the abstracts. A motion was made by Jim Fontaine and seconded by Mike Armbrust that the General Bills #106 to #120 for a Total of \$4,200.77, the Highway Bills #54 to #66 for a Total of \$154,046.96, the Lighting District Bills #5 to #6 for a Total of \$474.03, the Trust & Agency Bills #7 to #7 for a Total of \$234.00, and the Varysburg Water District Bills #25 to #28 for a Total of \$28,728.20 be paid. Ayes: (5) Becker, Fontaine, Kirsch, Meyer, Armbrust Nays: (0) Motion Carried.

Comments from the Floor

Supervisor Becker opened the floor to comments.

Mulch for Varysburg Park

The Highway Superintendent will deliver the mulch to the park and the Lions Club will spread it. Councilman Meyer reported that Darlene Janes will order from Attica Packaging and call Luke to arrange pick up.

Historical Markers Installed

The Highway Department installed the two new historical markers at the school house museum and the Pioneer Cemetery. A ceremony will be held on May 20th at 1pm at the cemetery.

Adjournment

A motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the May 17, 2023 regular meeting of the Sheldon Town Board. Ayes: (5) Becker, Fontaine, Kirsch, Meyer, Armbrust Nays: (0) Motion Carried.