

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

The Regular Meeting of the Sheldon Town Board held November 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: Joe Meyer, Vince Kirsch (arrives 7:15 p.m.), Jim Fontaine
Absent: Councilman Mike Armbrust (Councilman Armbrust video called in for the meeting but did not participate in voting)
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Luke Metz, ZBA member Mike Pfohl, resident Ann Linder

Open Public Hearing – Local Law 1-2023 Tax Override

At 7:00 p.m. a motion was made by Joe Meyer and seconded by Jim Fontaine to open the public hearing for Local Law 1-2023 entitled “Override the Tax Levy Limit Established in General Municipal Law §3-c.”

Ayes: (3) Becker, Meyer, Fontaine Nays: (0) Absent: (2) Armbrust, Kirsch Motion Carried.

Minutes

A motion was made by Jim Fontaine and seconded by Joe Meyer that the minutes from the October 18, 2023 regular meeting and the November 8, 2023 budget public hearing be approved.
Ayes: (3) Becker, Meyer, Fontaine Nays: (0) Absent: (2) Armbrust, Kirsch Motion Carried.

Communications

The Town Clerk Carol Zittel had no communications.

Reports

The Town Supervisor financial reports, Town Clerk report and Town Justice Kirsch report were distributed. (Justice Janes did not submit a report this month – his October report will be distributed next month)

WYOMING COUNTY ZONING MONTHLY REPORT

Date: November 2023 – Report for October 2023

Town: Sheldon

Open Projects: No open projects this month

Permits Issued:

- **Kevin Burg (2306 Rt. 98)-** 30' x 24' detached garage

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- **Timothy Suleski- (2459 Centerline Rd) 32' x 64' Pole Barn**

Special Use Permits Renewed & Inspected: No SUP permits renewed or inspected

Property Maintenance 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. Next court date is scheduled for Tuesday November 21st at 9:30 A.M.

Highway Superintendent Report

Superintendent Luke Metz reported the following:

Mowing & Crack Sealing Projects

Mowing & crack sealing is done.

Historical Marker Installed

The highway department installed the historical marker at the St. John Neumann Parish site. The historical marker was submitted by Town Historian Jeanne Mest and awarded by the William G. Pomeroy Foundation.

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Shipping Container

The shipping container was purchased and arrived.

Humphrey Road Culvert

The department was assisted by Wyoming County Highway with the culvert installation on Humphrey Road. The shoulder on the road was eroding.

Plows Ready

Plows are ready for the winter season.

Old Tires Discarded

There is a bill in tonight's bills (Geiter Done of WNY \$1,064.00) for disposal of the old tires that accumulated in the highway department.

Paver

Hwy. Supt. Metz and the Java Highway Superintendent looked at a paver with an interest in splitting the cost. Superintendent Metz has decided against it.

TerraStar Back on Auction

Hwy. Supt. Metz will be putting the TerraStar truck back on auction and also two chain saws and a pick-up plow.

Driveway Culverts Policy

Hwy. Supt. Metz would like to write up a culvert replacement policy as he is getting numerous culvert requests.

Trailer Purchase

A trailer will be purchased for \$10,013.00 from RTI using ARPA funds.

Supervisor Report

Supervisor Becker reported the following:

Wind Turbine Revenue

The Town received \$1,038,977.77 from Invenergy. Councilman Fontaine noted that this will result in no town taxes again for 2024. Supervisor Becker contacted three financial institutions for certificate of deposit rates. The plan is to put \$700,000.00 in a 6 month CD and \$250,000.00 in a 3 month CD.

Garbage User Fee Increase

Supervisor Becker reported that the garbage user fee will increase for 2024 to approximately \$300.45. Seasonal users \$150.23.

Tax Equalization Rate

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The Town of Sheldon's equalization rate is 87%. The Town's 2023 reassessment was postponed at the advice of our Town Assessor.

At 715 p.m. Councilman Kirsch arrives.

Mills Zoning Violation

Supervisor Becker met with Attorney DiMatteo and Building Code Enforcement Officer Don Roberts on Monday to prepare for the Mills court case on Tuesday.

Wyoming County Community Hospital

The County had to cover over \$22 million to the hospital in 2022. In 2023 the amount was \$10 million. Projection for 2024 is \$7 million. The hospital has applied for a rural urgent care facility designation which would increase Medicare and Medicaid reimbursement. The hospital has stopped delivering babies which has resulted in savings. More orthopedic surgeons will be hired.

Wyoming County Ambulance Services

Supervisor Becker was one of four supervisors to vote no on the county-owned ambulance resolution. The resolution passed and the County will now own their own ambulances. Supervisor Becker explained that he voted no because he believes that government should not be competing with private businesses. He also added that the County has already added nine more employees than they originally projected.

Acceptance of Reports

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

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

Old Business:

Close Public Hearing - Local Law 1-2023 Tax Override

At 7:25 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to close the public hearing for Local Law 1-2023 entitled "Override the Tax Levy Limit Established in General Municipal Law §3-c."

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

Adoption of Local Law 1-2023

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, Chapter 97 of the Laws of 2011 – "The Property Tax Cap" added a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

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WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, notice of said public hearing was duly advertised in the Batavia Daily, the official newspaper of said Town; and

WHEREAS, said public hearing was held on November 15, 2023 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, after due consideration and discussion the Town Board has decided to adopt said proposed local law.

NOW ON MOTION OF Vince Kirsch, which has been duly seconded by Joe Meyer, therefore, be it

RESOLVED, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to adopt Local Law No. 1 of 2023 entitled, "Override the Tax Levy Limit Established in General Municipal Law § 3-c."; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Roll Call Vote:

Becker: Aye

Kirsch: Aye

Fontaine: Aye

Meyer: Aye

Absent: Armbrust

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

TOWN OF SHELDON A PROPOSED LOCAL LAW ENTITLED "OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c."

BE IT ENACTED by the Town Board of the Town of Sheldon as follows:

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sheldon, County of Wyoming pursuant to General Municipal Law §3-c. and to allow the Town of Sheldon, County of Wyoming to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

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The Town Board of the Town of Sheldon, County of Wyoming is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Ann Linder – Sidewalks in Strykersville

Resident Ann Linder attended tonight's meeting to request assistance from the Town Board to keep the sidewalks in Strykersville clear for winter walking.

- Ms. Linder noted that often adults and children can be seen walking in the street as sidewalks are not cleared.
- Supervisor Becker noted that the Town has requested lower speed limits on this stretch of road several times and was repeatedly denied by the NYSDOT.
- Supervisor Becker noted that ARPA money has to be used to benefit the whole town. The Varysburg Water district would like new water lines but that would not be fair to residents of Strykersville.
- Councilman Meyer noted that years ago the Town was approached to install sidewalks for students walking from the hamlet of Varysburg to the elementary school on School Street.
- There was some discussion as to who owns the sidewalks. Supervisor Becker will check with the Town Attorney on who owns the sidewalks and whose responsibility it is to maintain them.
- Supervisor Becker noted that in order for the Town to take over snow clearing of sidewalks, a special district would need to be established and the cost to maintain the clearing of the sidewalks would be split amongst the residents of the special district. To set up a special district, a committee would need to be formed and a petition would need to be distributed with 50% of residents and 50% of assessed value being in support.

At 7:55 p.m. Ms. Linder left the meeting

ARPA Funding

Supervisor Becker reported that the Town will not pursue installing a bigger generator. ARPA funding balance is \$29,114.08 before the purchases authorized below.

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A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the use of ARPA funds to pay for the drainage installation behind the highway building (\$4,474.69) and to purchase a trailer (\$10,013.00) for the highway department.

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

Varysburg Water Update

Income Survey

The Town Clerk met with water operator Thane Wright to review the list of Varysburg Water users and create a spreadsheet listing tenant names for the upcoming income survey. The surveys must be completed by residents of each property. Thane and the Town Clerk will work on obtaining tenant names.

Tank Cleaning

The tank cleaning is postponed. The company hired to clean the tank had a truck breakdown and they were not able to get to Sheldon. They will contact us when they can reschedule.

Certified Water Operator Course

Supervisor Becker passed the certified water operator course. He needs to complete a few more forms to be officially certified.

Spectrum Update

No update. Only court phone left on Spectrum bill.

NYMIR Inspection

No update.

Broadband Coverage

No update.

Town Prosecutor Appointment

A motion was made by Jim Fontaine and seconded by Vince Kirsch to appoint Mike Manusia as Town Prosecutor effective January 1, 2024.

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

Adoption of 2024 Budget

A motion was made by Vince Kirsch and seconded by Joe Meyer to adopt the 2024 preliminary budget as the 2024 final budget.

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

New Business:

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Letters of Support NYS DOT Application to TCP-R Pilot Program

A motion was made by Joe Meyer and seconded by Jim Fontaine to authorize the Town Supervisor to sign letters of support for the NYS DOT application to the TCP-R pilot program (Thriving Communities Regional Pilot Program).

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

Remote Banking – Town Clerk

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the remote deposit agreement with Five Star Bank to allow the Town Clerk to remote deposit checks for the Town Clerk and Varysburg Water accounts.

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

Online Banking – Town Clerk

A motion was made by Joe Meyer and seconded by Jim Fontaine to authorize the Town Clerk's checking account to be added to the Town's online banking profile.

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

Bills:

Town 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 #255 to #279 for a Total of \$42,882.63, the Highway Bills #133 to #146 for a Total of \$18,717.11, the Lighting District Bills #14 to #14 for a Total of \$566.91, the Trust & Agency Bills #13 to #14 for a Total of \$297.48, and the Varysburg Water District Bills #61 to #65 for a Total of \$2,074.12 be paid.

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

Comments from the Floor

Historical Marker

Councilman Meyer thanked the Highway Superintendent for his help in erecting the historical marker and commended Jeanne Mest for the nice unveiling event at the Church.

Adjournment

At 8:10 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the November 15, 2023 meeting of the Sheldon Town Board.

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