

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

The Regular Meeting of the Sheldon Town Board held August 19, 2026 at the Sheldon Town Hall, 1380 Centerline Rd., NY 14145 was called to order by Town Supervisor Brian Becker at 7:00 p.m.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Jim Kirsch (arrives at 7:10 p.m.), Vince Kirsch
Absent: Councilman Joe Meyer and Town Clerk Kate Bulera
Also present: Highway Superintendent Luke Metz
Recording Secretary: Deputy Town Clerk Carol Zittel
A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the minutes from the August 19, 2026 regular meeting be approved.

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

Communications

Deputy Town Clerk Carol Zittel reported the following:

Bushes at Intersection of Centerline & Dutch Hollow

The Town Clerk was notified by Katie Chmura that the bushes at the intersection of Centerline & Dutch Hollow were cut back by the County Highway Department. This had been a topic of discussion at the August board meeting. Tonight, Councilman Fontaine noted that the trimming was not good enough as the bushes still obstruct the intersection.

Wyoming County Town Highway Collective Bargaining Agreements

A spreadsheet comparison of Town highway collective bargaining agreements in Wyoming County was distributed to the Board.

Sheldon Historian Correspondence

The Sheldon Historical newsletter was received. A letter from Jeanne Mest, Town Historian, was distributed to board members. The letter thanks the Board for their support and gives a recap of the numerous 250th celebration activities completed and planned for 2026. A copy of the letter is on file in the Town Clerk's office.

Correction to August Voucher Numbers

Voucher #146 from the August General bills was voided. Tonight's General abstracts begin at 146.

Town Website – ADA Compliance

All municipal websites are mandated to be ADA compliant by January 2027. The Deputy Town Clerk will look into whether it is more cost effective for the Town to work with their existing GoDaddy website or to pursue another company for website design and hosting.

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

Assessor Resignation Letter

Mary Kern, Assessor for the Town of Sheldon submitted an official letter of resignation effective October 1, 2026. The Board had been notified several months ago of her intent to retire. Ms. Kern stated in her letter that she would be happy to assist her successor with any questions.

Letter from the Attica-Wyoming Correctional Employees Federal Credit Union

The Town received a letter from Roseanne Lefort, CEO of the Attica-Wyoming Correctional Employees Federal Credit Union, inviting Town employees to join the credit union. Ms. Lefort requested a response by January 1, 2027. The Board asked that the Town Clerk inform Ms. Lefort of the Board's interest in receiving more information.

Planning Board Members

The Planning Board requested that Sue Metz-Horst be made a permanent member of the Town Planning Board and that Wayne Abbott be named an alternate. The Deputy Town Clerk asked Attorney McWhinney if he could confirm whether the Town appropriately added an alternate member to the Planning Board before the Board makes any changes. Mr. McWhinney will get back to the Deputy Town Clerk. This item should be on next month's agenda.

Return of Town Clerk Kate Bulera

Town Clerk Kate Bulera plans to return back to the office on September 26, 2026. Clerk Bulera gave birth to son, Hudson Bulera, on August 11, 2026.

Councilman James Kirsch arrives at 7:10 p.m.

Reports

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

Wyoming County Zoning Report

The Wyoming County Zoning report was distributed and is on file in the Town Clerk's office. Supervisor Becker gave a brief overview of the report.

Highway Superintendent Report

Highway Superintendent Luke Metz reported the following:

School Street Paving

School Street was paved by Suit Kote on September 11th. The Town received help from the Towns of Gainesville and Perry in addition to Wyoming County Highway. Initially the paving was to be completed by Robinson, however, due to scheduling issues, the Town used Suit Kote instead. The Superintendent wanted it noted in the minutes that the Town used the same company that the owner of the former Sheldon Elementary site used for millings, however, the Town Highway Department did not haul any millings in and out for the project on the privately owned property.

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

Humphrey Road Paving

Humphrey Road was paved by Suit Kote on September 15th.
The Towns of Java, Orangeville, Wales, Darien and Pike assisted.
The Superintendent noted that the project to replace the bridge on Humphrey Road was federal money, therefore Wyoming County Highway put the project to bid. Of note: all bridges on Town roads are County-owned. All sluices 4 ft. and under are Town responsibility and over 4 ft. are County responsibility.

Salt Building

The salt building now has 3900 ton of salt and sand mix.

Folsomdale Road Widening

Wyoming County will be widening Folsomdale Road September 21-25.

Fall Projects

The Highway Department will be finishing fall mowing and beginning preparation for snow.

New Plow Truck

The new plow truck is at Henderson.

Supervisor Report

Supervisor Brian Becker reported the following:

Semi-Annual Mortgage Tax Payment

The Town receives a portion of mortgage tax collected by Wyoming County. The Town of Sheldon received \$30,000 which was the third highest amount in Wyoming County.

Ziggy's Law

The County Board of Supervisors passed a law entitled "Ziggy's Law." The law will create a cruelty to animal's registry. (note: this is for cruelty to all animals not just dogs)

Acceptance of Reports

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

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

Old Business:

Varysburg Water Update

Supervisor Becker gave the following update:

- Everything going well except there was a blow out on the chlorine injector which resulted in a boil water notice for the water district

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

- When the new pump house and new system is installed, it should resolve this issue going forward
- Supervisor Becker personally took the water samples to Erie County's testing center. The samples were good and the boil water notice was lifted.
- Still working on the design of the new pump house
- Purchase of 2463 Route 20A is proceeding. An RFP will be needed for the asbestos remediation study.
- All properties/land purchased for the water district are owned by the water district with the Town acting on the district's behalf.

RFP for Remediation of 2463 Route 20A, Varysburg

Attorney McWhinney distributed a resolution for the Board's consideration. Councilman Kirsch requested additional wording and slight revisions to the remediation resolution. Attorney McWhinney made the requested revisions.

**RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR PROPOSAL
AND EXPENDITURE REGARDING ASBESTOS ABATEMENT STUDY**

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, the Town Board of the Town of Sheldon is in the process of planning and funding improvements to the Varysburg Water District; and

WHEREAS, as a part of such project, the Town Board of the Town of Sheldon wishes to purchase the property located at 2463 Route 20A, Varysburg, New York 14145 from Alan Henderson, said property being on a 100 x 60 feet lot and being identified as Tax Map No. 69.2-2-13; and

WHEREAS, as a condition of the purchase contract between the Town and Alan Henderson, the Town shall conduct an asbestos abatement study on the property to determine if any asbestos mitigation is required; and

WHEREAS, to procure such study, the Town Attorney drafted Requests for Proposal ("RFP's") to local asbestos abatement firms to provide their services to assist with this property, which was reviewed by the Town Board; and

WHEREAS, the Town Board felt such RFP, in addition to the services already listed on the draft, should also seek labor rates for air monitoring and abatement; and

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

WHEREAS, in order to fulfill this obligation, and feeling it to be in the best interest of the Town of Sheldon, the Town Board shall authorize DiMatteo Roach and Kelly, Attorneys at Law, as the Town Attorneys, to issue the RFP as modified per the Town Board's specifications; and

WHEREAS, the Town Board additionally feels it is in the best interest of the Town of Sheldon to authorize that up to ten-thousand dollars (\$10,000.00) may be spent to procure such an asbestos abatement study.

NOW ON MOTION OF Vince Kirsch which has been duly seconded by Jim Fontaine, now therefore be it

RESOLVED, that the Town Board of the Town of Sheldon hereby authorizes Town Attorney's DiMatteo Roach & Kelly, Attorneys at Law to issue RFP's to local asbestos abatement firms to provide their services to assist with the property located at 2463 Route 20A, Varysburg, New York 14145, identified by Tax ID No. 69.2-2-13, pending the requested aforementioned modifications; and be it further

WHEREAS, that the Town Board of the Town of Sheldon hereby authorizes that up to ten-thousand dollars (\$10,000.00) may be spent to procure such an asbestos abatement study.

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

Wyoming County Water Resource Agency

The Wyoming County Water Resource Agency conducts the Varysburg Water meter reads, prepares the billing spreadsheet and prints and mails the bills. There are ten Wyoming County municipalities that utilize the County's services. Due to the need for a new computer for the Agency, Wyoming County is requesting a billing increase. Supervisor Becker stated that the increase will be modest.

Mills Zoning Violation

- Attorney McWhinney: The Town has a court order to remove items. The hold up is finding a company interested in doing it.
- Supervisor Becker noted that he had a verbal yes from someone but then he never heard back.
- Attorney McWhinney stated that there's a relevy on Mr. Mills' taxes and if not paid, foreclosure could be next
- Attorney McWhinney: there's a detailed inventory and an injunction of further violations in place by Wyoming County Court. Violation of a court order is contempt, which is a crime.

RESOLUTION TO REISSUE REQUEST FOR PROPOSALS - MILLS

Adopted: October 8, 2026

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

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, the Town of Sheldon has received a copy of a Decision and Order of the Wyoming County Supreme Court dated March 12, 2025 regarding the matter of Town of Sheldon v. Dennis J. Mills (Index No. 9001008) and the property located at 1907 Route 20-A, Varysburg, New York 14167 (hereinafter the “Property”); and

WHEREAS, said Decision and Order authorizes the Town of Sheldon to remove various items of personal property items from the Property which are in violation of the Town of Sheldon’s Zoning Code; and

WHEREAS, more specifically, the Town estimates that the following quantities of offending items need to be removed from the Property:

- i. Campers & Trailers: Approximately 26 tons
- ii. Sheet Metal / Heavy Iron: Approximately 36 tons

WHEREAS, the Town of Sheldon previously authorized a Request for Proposal (RFP) for the services of an appropriately qualified towing and recycling company or companies to assist with the removal of the offending items of personal property from the Property in a resolution dated March 19, 2025; and

WHEREAS, following such RFP, the Town engaged Twin Village Recycling Co. to conduct such work in a resolution dated November 5, 2025; and

WHEREAS, the Town has been unable to communicate with Twin Village Recycling Co., and such removal has not been completed to date, and the Town Board feels that times is of the essence in this matter in order to comply with the aforementioned Decision and Order; and

WHEREAS, the Town of Sheldon now desires to reissue a Request for Proposals to the following companies to request sealed bids for the removal of the offending personal property items from the Property:

- i. Atomic Junk Removal
- ii. Bliss Auto Salvage
- iii. Dumbleton Used Auto Parts, Inc.
- iv. Karson’s Auto & Truck Recycling LLC
- v. Kloiber Auto Recycling
- vi. Ransom Auto Recycling
- vii. Smokey’s Towing & Recovery; and

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

WHEREAS, the Town Board of the Town of Sheldon further desires to enlist the services of the Town Attorneys, DiMatteo Roach & Kelly, Attorneys at Law, to assist with the process of drafting and sending out such Requests for Proposals; and

NOW ON MOTION OF Jim Fontaine which has been duly seconded by Vince Kirsch, be it

RESOLVED, that the Town of Sheldon shall reissue Requests for Proposals to the following companies for the removal of the offending items of personal property located at the Property:

- i. Atomic Junk Removal
- ii. Bliss Auto Salvage
- iii. Dumbleton Used Auto Parts, Inc.
- iv. Karson's Auto & Truck Recycling LLC
- v. Kloiber Auto Recycling
- vi. Ransom Auto Recycling
- vii. Smokey's Towing & Recovery; and

RESOLVED, that the Town of Sheldon hereby authorizes the Town Attorney, DiMatteo Roach & Kelly, Attorneys at Law, to draft and send the Requests for Proposals to the aforesaid companies.

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

NYMIR Risk Management Recommendations

Supervisor Becker has been in contact with Mike Tucci from Tompkins Insurance. Mike will provide the Town with an alternate resolution for consideration that will hopefully satisfy NYMIR's recommendations.

Windmill Decommissioning

Councilman Kirsch received a revised proposal for windmill decommissioning from Jackson Demolition. Supervisor Becker will present it to Invenergy.

Strykersville Legion – Banner Funding

Noelle Pitkin and Shirley Eley were present to represent the Legion.

Supervisor Becker stated that he drove through several towns with military banners and none of those towns helped with financing the banner projects. Supervisor Becker stated that the Town is not allowed to make donations. Attorney McWhinney stated that the Town cannot give funds to a private entity and cannot give them through a 3rd party. The Town would have to be the contracting party. Councilman James Kirsch stated that he called the NYS Comptroller's Office and their opinion is that the Town cannot make donations but they also recommended that the Town attorney be consulted.

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

FEMA – Flood Maps and Draft Local Law

Attorney McWhinney gave a recap of his meeting with the Town Planning Board last week. Mr. McWhinney also provided the Board with copies of the draft law and additional language options.

- Mr. McWhinney informs the Board that the Planning Board does not recommend passing this law
- If the Town does not pass this law, the Town and its residents will not be eligible for federal floodplain insurance
- The new floodplain map has extended the floodplains making parcels that weren't in the floodplain zone, now in it.
- Wyoming County GIS Director, Joanna Craigmile, did a fantastic job of creating an overlay map on the County website that easily shows the expansion areas
- If the Town has a lapse in federal flood insurance it will be difficult for residents to sell their home
- It will make it difficult for existing properties in the floodplain to comply with the law.
- The Planning Board recommends that the Town Board reach out to Joanna Craigmile and request a list of properties that were not in the floodplain and now are. They recommend that these property owners be notified.
- There is some additional/optional language that can be added to the draft law if the Town Board chooses.
- Timeline: The DEC requests the Town's draft law by early or mid-October. We would like comments back from the DEC before the Board's October 21st meeting. The law is required to be filed with the NYS Department of State by January 8, 2027. We could hold the public hearing in November. At the October meeting, the Board can set the date for the November public hearing.
- Mr. McWhinney recommends that the Town pass the law.

After Mr. McWhinney's presentation, there was a lengthy open discussion. Supervisor Becker allowed time for anyone in attendance to speak. Planning Board member Bob Graham reiterated the Planning Board's recommendation that residents newly added to the floodplain zone should be notified by the Town. Resident Deanne Siemer commented that the variance process will be relied on by residents in the floodplain zone. Supervisor Becker asks Attorney McWhinney to research whether the Town has ever been paid out from the National Flood Insurance program. Ms. Siemer states that she wouldn't risk it and she would pass the law. She urges the Board to work hard to ameliorate and contact residents affected.

Attorney McWhinney states that the Town would be taking quite a risk to not pass it and he agrees that residents should be notified. Attorney McWhinney notes that the variance process is available to residents that aren't able to comply with the new regulations. Mr. McWhinney states again that there is undo risk to not pass it. Ms. Siemer states that she wouldn't rush to pass it. Mr. McWhinney states that the Board can set the application fee to whatever amount they choose, even zero. Deputy Town Clerk noted that earlier in the conversation it was stated that the Town doesn't have a floodplain law on file, however, she believes the Town does have a

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

floodplain law from 1987. She will retrieve a copy and email it to the Board and the Attorney's office.

Authorization for Supervisor to Convey Board's Suggestions on Floodplain Law

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to send the Board's suggestions on the floodplain draft law to the Attorney's office by October 1, 2026.

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

Municipal Electric & Gas Alliance (MEGA)

The Deputy Town Clerk requested copies of all Town utility bills from the Town bookkeepers. As two-months of past bills were requested and there are several utility accounts, the stack of bills to be scanned to MEGA is quite thick. The pile of bills was shown to the Board. The Town Clerk's office will scan the bills to MEGA and hopefully have a price quote from MEGA before the October 21st meeting.

Assessor Vacancy

Newspaper ads were placed and the vacancy was posted on the Town website and FaceBook page. Three resumes were received and Supervisor Becker received a verbal notice of interest from the Wyoming County Real Property Office.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize Supervisor Becker and Councilman Jim Kirsch to interview potential candidates and report back to the Board with a recommendation at the October 21, 2026 meeting.

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

New Business:

Amend January 2026 Minutes – Luke Metz Reimbursements

A motion was made by Jim Fontaine and seconded by Vince Kirsch to correct the January 2026 minutes to reflect the 2026 budget numbers for the Highway Superintendent's clothing and copay reimbursements: \$1,300 for copays and \$200 for boots

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

Schedule Budget Workshop

A motion was made by Brian Becker and seconded by Jim Fontaine to schedule the budget workshop meeting for September 30, 2026 at 6:00 p.m. at the Sheldon Town hall.

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

Board of Assessment Review Appointment – Jason Kehl

A motion was made by Jim Fontaine and seconded by Jim Kirsch to reappoint Jason Kehl to the Board of Assessment Review with a term of 10/1/26-9/30/31.

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

**REGULAR MEETING
SHELDON TOWN BOARD
September 16, 2026**

Bills:

Supervisor Becker confirmed that the Board had a chance to review the bills. A motion was made by Vince Kirsch and seconded by Jim Kirsch that the General Bills #170 to #186 for a Total of \$14,899.34, the Highway Bills #124 to #137 for a Total of \$52,037.86, the Lighting District bills #12 to #12 for a Total of \$715.34, the Trust & Agency bills #14 to #15 for a Total of \$269.11, the Varysburg Water System Improvements bills #19 to #20 for a Total of \$17,087.50 and the Varysburg Water District bills #38 to #40 for a Total of \$600.18, be paid. Ayes: (4) Becker, Fontaine, V. Kirsch, J. Kirsch Nays: (0) Absent: (1) Meyer Motion Carried.

Comments from the Floor

At 9:15 p.m. Supervisor Becker opened the floor to comments.

Variance – New Floodplain Law

ZBA Chairman, Mike Pfohl, referred back to the variance conversation that took place earlier tonight.

He expressed concerns with the ZBA granting these variances and the possible liability involved if the ZBA approves a variance and then a flood strikes. Mr. Pfohl will attend the next planning board meeting to gather more information.

Adjournment

At 9:17 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the September 16, 2026 meeting of the Sheldon Town Board.

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