

**REGULAR MEETING
SHELDON TOWN BOARD
May 21, 2025**

The Regular Meeting of the Sheldon Town Board held May 21, 2025 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: Joe Meyer, Vince Kirsch, Mike Armbrust, Jim Fontaine
Also present: Highway Superintendent Luke Metz
Recording Secretary: 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 Vince Kirsch and seconded by Jim Fontaine that the minutes from the April 16, 2025 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, reported the following:

Resignation – Jeff Nixon, Planning Board

Jeff Nixon resigned from the Planning Board effective 5/12/25.

Revised Highway Abstracts for April

The Teamsters health insurance amount was incorrect on the abstract as distributed in April. It has now been corrected.

.Gov Website

The Town has been notified that all government websites must be .gov domains. The Town Clerk will work on this.

Town of Java – Notice of Intent to Act As Lead Agency

The Town received notification from the Town of Java of their intent to act as lead agency in the development of a 4.98 megawatt solar facility on the west side of 4058 Route 77.

Town of Wethersfield – Adoption of Local Law Regulating & Siting Solar Energy

The Town of Wethersfield sent notification of adoption of Local Law 1-2025 Regulating & Siting of Solar Energy Systems.

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

Certificate of Insurance – Attica Youth Athletics

Attica Youth Athletics submitted their certificate of liability insurance for use of the Vincent Almeter Memorial Park in Varysburg.

Strykersville Yard Sales

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The Strykersville yard sales will be held June 7 and 8.

Planning Board Meeting

The Planning Board will meet on June 4th to review the proposed zoning law and on June 11th for their regular meeting.

ZBA Meeting

The ZBA will meet at 6pm on June 17th to render a decision on the American Legion variance application.

Board of Assessment Review Meeting

The Board of Assessment Review will hold their yearly grievance day meeting on June 10th from 4-8pm.

Varysburg Water Project Meeting

Brian Becker, Carol Zittel and Katie Chmura will meet with Catherine Rees, Dave DiMatteo, Jeff Smith, Tim McGill and Steve Mountain via teleconference on June 11th at 3pm to review the status of the water project.

Sheldon Historical Society Use of Hall

The Sheldon Historical Society will use the town hall at 6:30 p.m. on June 19th for a speaker presentation. The presentation is entitled: Lincoln's Lost Fifteen Hours.

Reports

The Town Supervisor financial reports, Town Clerk monthly report, Town Justice reports, cash flow report, payroll report and energy usage reports were distributed.

Wyoming County Zoning Report

The Wyoming County Zoning report was distributed and is on file in the Town Clerk's office.

Trees – Pioneer Cemetery

Town Historian, Jeanne Mest, was present with Sheldon Historical Society member, Judy Coffey. Ms. Coffey and Ms. Mest are concerned with the dead trees at Pioneer Cemetery. Councilman Kirsch and Councilman Fontaine will visit the cemetery to inspect. Ms. Coffey showed a photo of a damaged grave marker. Due to the possible danger of the trees falling, all clean up work has ceased. Ms. Coffey and Ms. Mest provided quotes from tree service companies. Ms. Mest informed the Board of a cemetery fund that they have established in order to fundraise for materials needed to maintain the cemetery.

Frinks Corners – Historical Marker

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Ms. Mest applied for another grant from the Pomeroy Foundation. This application was for Frinks Corners Cemetery. There are three revolutionary war soldiers buried at the cemetery. Ms. Mest will also be applying for a marker at Pioneer Cemetery.

Schoolhouse Museum Repairs

The railings have not been replaced yet. S-hooks on swings may have been addressed – Judy will check. Materials under the swing – Luke will try to take care of it.

County Resolution – Preservation of Farmland

Councilman Fontaine made notice that he emailed the Board a copy of the County resolution supporting the preservation of farmland.

Highway Superintendent Report

Luke Metz reported the following:

CHIPs Funding

CHIPs funding will be increased for the Town by \$15,099. \$156,482 to \$171,581.

2012 Peterbilt Plow Truck Sold

A motion was made by Mike Armbrust and seconded by Vince Kirsch to accept the bid of \$35,000 for the 2012 Peterbilt plow truck as received on Auctions International.

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

Sand for Vincent Almeter Memorial Park Baseball Field

The highway department delivered sand for the baseball field in Varysburg. The field will be utilized by Attica Baseball after many years of no organized baseball at the field. Supervisor Becker noted that he has received many compliments on how nice the field looks.

Additional Invoice – Lakeside Sod

A motion was made by Vince Kirsch and seconded by Joe Meyer to approve paying the additional invoice to Lakeside Sod once the invoice amount has been corrected.

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

Paving of North Sheldon Road

The department plans on paving one mile of North Sheldon Road on May 28th. Luke has been in contact with Breezy Hill Farm.

Route 77 Paving

NYS will begin paving Route 77 on Tuesday.

Stop Sign Factory Road & Lefort

The stop sign at Factory Road and Lefort has been stolen approximately three times. There have been burn out marks on the road as well. The Sheriff's office has been notified.

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Wheeled Excavator Issues

The excavator purchased from George & Swede continues to experience the same issues. The Town Board asks Luke to keep documenting all of the issues and repairs.

Strykersville Main Street Garden Gazebo

The Strykersville Kiwanis have been maintaining the Main Street garden area on a volunteer basis. This year, the garden needed additional sprucing up.

A motion was made by Vince Kirsch and seconded by Mike Armbrust to pay the Java/Kiwanis half of the cost of hiring a contractor which amounts to \$2,250.00 and add it to tonight's abstracts.

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

Proposed New Zoning Law

Supervisor Becker addresses resident Deanne Siemer. Ms. Siemer recently mailed another set of postcards to Sheldon residents regarding the proposed new zoning law. Supervisor Becker informed Ms. Siemer that her mailing list was flawed with wrong addresses, wrong names, wrong township, etc... Ms. Siemer responded that she purchased the list from the post office and that she now has a list from the Board of Elections that should be better. Resident Thomas Jorgenson asked Supervisor Becker why he has a problem with the postcards informing people of what is going on. Supervisor Becker noted that the postcards have no identifying names and they could have been mailed in by anyone. Mr. Jorgenson responded that they want to inform the planning board of what people in the town are thinking. Mr. Jorgenson added that notices shouldn't be placed in the Batavia Daily because no one gets that paper. Supervisor Becker replies that the Town is obligated to have an official newspaper and that the chosen newspaper has to be a paid publication, adding that since there are only two paid subscription newspapers in the Town the choices are limited. Supervisor Becker refers to the ad Ms. Siemer placed in the Pennysaver, stating that the ad and the website she created should have a disclaimer that it is not affiliated with the Town. Supervisor Becker tells Ms. Siemer that he believes she is intentionally trying to confuse people. Councilman Armbrust notes that the photo on one of Ms. Siemer's postcards shows a barn not located in the Town of Sheldon.

Old Business:

Wind Contract

The Board still needs to set a date to meet with prospective attorneys to represent the Town in wind contract negotiations. Supervisor Becker will reach out to Board members with possible dates.

Varysburg Water – Lead Pipe Report

Andy Meyer from the Wyoming County Health Department called Supervisor Becker to inform him that the lead pipe report from the Town had not been received by the EPA. Supervisor Becker believes he had sent it to Andy but will work on resending it.

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Mills Zoning Violation

There were no responses from the four contractors contacted by David DiMatteo to remove the items from the Mills property. Supervisor Becker knows of one contractor that is interested and will share that contact with David DiMatteo.

NYMIR Recommendations

The Town Board reviewed the six recommendations from NYMIR after their recent inspection:

- #1 Fire Safety – oxy-acetylene torches - COMPLETE
- #2 Highway Mezzanine Area – Wyoming County Building & Codes has been contacted and will conduct a load test
- #3 Signage at Town Park – rules and hours – SIGNAGE ALREADY POSTED
- #4 Parks/Playground - playground resurfacing – Scheduled to be done
- #5 Policies & Procedures – Motor Vehicle Record – ALREADY DONE
- #6 Policies & Procedures – Enact a local law to supersede NY Town Law 65-A to provide maximum protection against lawsuits from defects to streets, culverts, etc. not previously notified in writing – The Town Attorney will be contacted for his input.

Lifeguard & Youth Director Positions

Justine Kurowski has accepted the youth director position. There are two other lifeguards interested in working the season. The Town will need to find two more lifeguards to run the program. Brian and Carol have been in contact with Lindsay Eddy from Byrncliff and Ellen Grant, Town Supervisor of Bennington to work together to get a lifeguard team together for both town's swim programs.

The Town and Byrncliff have been made aware that an AED is required for the program.

Grants – Field Trips and Playground

As the summer youth program has been delayed due to hiring issues, field trips are on hold. The park committee has not reached out with any requests.

Sheldon Fire Company Contract

A motion was made by Jim Fontaine and seconded by Joe Meyer to schedule a public hearing at 7:00 p.m. on June 18th during the regular board meeting to consider renewal of the Sheldon Fire Company contract.

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

Harris Corners Fire & Strykersville Ambulance Contracts

The Town Clerk has not received any communication from Harris Corners regarding their contract request. Their fire contract and the ambulance contract with Strykersville Fire both expire at the end of 2025.

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New Business:

Budget Transfer

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the transfer of \$100,000 from A1083 Wind Power Payments Due to Highway to DA1083 Wind Power Payments Due to Highway.

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

Varysburg Water Project – Bond Counsel

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the contract with Tim McGill to serve as bond counsel for the Varysburg Water Project.

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

Bills:

Town 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 #76 to #93 for a Total of \$29,887.73, the

Highway Bills #67 to #81 for a Total of \$49,830.01, the

Lighting District bills #5 to #5 for a Total of \$630.80, the

Trust & Agency bills #7 to #8 for a Total of \$311.23, the

Varysburg Water District bills #23 to #27 for a Total of \$1,355.59, the

Varysburg Water System Improvement bills #6 to #6 for a Total of \$7,930.00 be paid.

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

Comments from the Floor

American Legion Variance Application

Councilman Fontaine read a statement clarifying that he did not recant his letter he read at the ZBA meeting held on April 22, 2025, contrary to what Supervisor Becker stated at the May 14th planning board meeting. Councilman Fontaine's April 22nd letter was in opposition of the proposed site for the new American Legion stating the importance of preserving farmland. Supervisor Becker apologized for the misunderstanding.

There was back and forth discussion on when the parcel gifted to the Legion was created and whether it was existing before the 200 ft. of road frontage requirement. Resident Ray Swan lives adjacent to the property in question and was present at tonight's meeting to express his opposition to the granting of the variance. Mr. Swan stated that he doesn't think any neighbor would want bingo traffic going in and out next to their property. Mr. Swan stated that there were parameters in the gifting of the land that would not allow the Legion to sell the land.

Councilman Armbrust asked Mr. Swan if he was sure about that. Mr. Swan stated that he was not sure. There was a question of whether there has been a feasibility study done regarding the dirt and gravel of the land. Mr. Swan asked that anyone that votes for this, should vote for the

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right reasons, not just because they are veterans and he is not begrudging the veterans. Mr. Swan also heard that the Legion is asking for a traffic light for bingo traffic. Mr. Swan asks which board will be voting on this.

Supervisor Becker replies:

- the variance request goes before the Zoning Board of Appeals.
- If the ZBA approves the variance, then the special use permit application and site plan goes to the Town Planning Board and then to the County Planning Board and finally to the Town Board.
- The Legion property only has 109 feet of road frontage.
- The Legion owns the property.

Mr. Swan asks if they can sell it. Supervisor Becker replies, I believe so.

Solar/Wind Questions

Deanne Siemer commended the Town Clerk on the Town website. Ms. Siemer asked Supervisor Becker if he has had any contact with Invenergy regarding any construction. Supervisor Becker replied he has had no contact and that he has not heard of any changes or larger turbines slated for Sheldon. Councilman Fontaine noted that ConnectGen was out years ago regarding a solar project and then we never heard from them again and now Invenergy is coming around.

Comment from Thomas Jorgenson

Mr. Jorgenson addressed the Board, stating that he has nothing personal against any of them and that he is clearly against another County writing our Zoning Law.

Adjournment

At 8:55 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the May 21, 2025 meeting of the Sheldon Town Board.

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