

**REGULAR MEETING
SHELDON TOWN BOARD
December 17, 2025**

The Regular Meeting of the Sheldon Town Board held December 17, 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, Jim Fontaine, Vince Kirsch
Absent: Councilman Mike Armbrust
Also present: Highway Superintendent Luke Metz, Town Clerk-Elect Kate Bulera, Town Councilman-Elect Jim Kirsch
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 Jim Fontaine and seconded by Joe Meyer that the minutes from the November 19, 2025 regular meeting be approved.

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

Communications

Varysburg Water Project BAN – Letter from Law Offices of Timothy McGill

A letter from Attorney Timothy McGill was distributed to the board. Mr. McGill outlines the requirements for the \$1,600,000.00 bond anticipation note (BAN). Councilman Meyer explains that this loan will be paid back by Varysburg Water customers, not the whole town.

New Email for Town Attorney

The Town Clerk notified the Board of the new email address for the DiMatteo, Roach & Kelly Law Office.

Certified Election Results

The Wyoming County Board of Elections sent certified election results from the November 2025 town elections. Of note: the terms of office for the two council positions and the town clerk position are three years.

Varysburg Water Project Meeting Minutes

The minutes from the December 5, 2025 Varysburg Water construction meeting were distributed to the town board.

Small Claims Assessment Review Decision

A copy of the Hearing Officer's decision regarding the Cody Corke assessment challenge hearing was received. Decision: no change in assessment.

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Addition to Varysburg Water Bills

An addition to tonight's Varysburg Water bills was added just prior to tonight's meeting. An additional bill of \$315.70 was added.

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 read portions of the report and noted that a sign permit was issued to the Strykersville Legion. The Town Clerk recommended that the Board confirm with Don Roberts whether the permit was for the sign or for the actual monument. It is her interpretation that the actual monument has been approved. Resident Ray Swan voiced his concerns with the Legion project.

Highway Superintendent Report

Highway Superintendent Luke Metz reported the following:

Salt & Sand

The Highway Superintendent is trying to conserve salt so as not to run short. The department uses a 50/50 mix of salt and sand.

Fleet Maintenance Invoice

Fleet Maintenance has added a \$3,000 tariff fee to the invoice for the new truck. Supervisor Becker confirms that the truck was purchased before the tariffs were in effect. Superintendent Metz sent the owner of Fleet Maintenance an email questioning this additional fee but has yet to hear back. Councilman Meyer states that hiring the Town Attorney to get involved may end up costing more than the tariff fee.

Town Board Decision:

A motion was made by Vince Kirsch and seconded by Jim Fontaine to issue the payment to Fleet Maintenance for \$191,487.00 without adding the \$3,000 tariff fee.

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

New GPS System for Road Signage

Superintendent Metz purchased a software program for recording road signage. The program will record sign location and condition. Councilman Kirsch asked if photos can be attached and asks the cost of the program. Supt. Metz replies that yes, photos can be uploaded and the cost is a one-time fee of \$2,700.

Open Public Hearing – Windy Brew Special Use Permit

At 7:10 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for the special use permit transfer application submitted by Tracy and Mark Schork.

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

Supervisor Becker asked the new owners of Windy Brew, Tracy & Mark Schork, to introduce themselves. Supervisor Becker opened the floor to comments.

Public comments:

- Mike Pfohl: Concerned with parking on Route 20A; surprised there hasn't been a catastrophe.
- Mike Pfohl: Rain and mud could pose an issue for parking in the yard
- Mike Pfohl: Garbage issue. I have had to pick up pizza boxes, shipping containers, etc...
- Former owner, Bill Snyder, asks Mr. Pfohl if the dumpster helped and Mr. Pfohl replies, no, not really.
- Mike Pfohl: Music on back patio. I can hear it way back in the woods. Turn it down or move it somewhere else.
- Supervisor Becker suggests that Mr. Pfohl and the Schorks exchange phone numbers
- Supervisor Becker reiterates that parking on the road is a real concern to him and to the community noting that the ditches are deep.
- Supervisor Becker asks Mr. Pfohl if he is opposed to the issuing of the permit. Mr. Pfohl replies no, but the parking and the music need to be addressed. Supervisor Becker asks that the Schorks heed the warning that this permit is reviewable. He states that he wishes to see everyone working together and to have respect for neighbors.
- Resident Tom Jorgensen asks if the Schorks will have to reapply if the new zoning law passes. Supervisor Becker replies that he doesn't believe so.
- The Schorks state that they will work with the neighbors.

Close Public Hearing – Windy Brew Special Use Permit

At 7:26 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to close the public hearing for the special use permit transfer application submitted by Tracy and Mark Schork.

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

Approval of Special Use Permit – Windy Brew

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the transfer of the special use permit to Tracy and Mark Schork for the operation of Windy Brew per the parameters established by the Town Planning Board at their November 12, 2025 meeting minutes:

- There will be no parking permitted on Route 20A
- Mark and Tracy Schork will both be listed on the special use permit
- Must maintain compliance with all Wyoming County Building and Health Department Codes.

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- All alcohol must be consumed according to the NYS liquor Authority permitted parameters.
- Days and Hours of Operation are as follows:
 - Wednesday 4:00pm – 10:00pm
 - Thursday 4:00pm – 10:00pm
 - Friday 2:00pm – 10:00pm
 - Saturday 12:00pm – 10:00pm
 - Sunday 12:00pm – 6:00pm
- Special Use Permit is subject to annual review by the Planning Board
- Lighting on signage must be turned off at close of business
- Noise levels must not be obstructive to neighboring properties
- New Building erected in October of 2019 will be used only for storage/fermentation- not public use or gathering.
- The Planning Board must be notified of any changes in operation of this business.
- Annual Compliance Inspection- The Zoning Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time every two calendar years. The inspection shall determine that the use is being operated consistent with the terms and conditions established by the Town Board in approving the permit. If the Zoning Officer determines that the conditions are not in compliance with the permit, the Zoning Officer shall nullify the Special Use Permit and set forth the procedures and requirements for re-establishing the use. The use may not be operated until a new application is submitted and approved.
- At an October 16, 2019 meeting, the Town Board notes for the record that any future expansions will be difficult to satisfy on this particular parcel.

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

Supervisor Report

Supervisor Brian Becker reported the following:

Water District Financials

Supervisor Becker noted that the water district is low on funds but it will soon be replenished when tax bills are collected.

County Broadband

Supervisor Becker reported that the County will be proceeding with a County-owned broadband project that will be available to all households. A NYS grant was obtained for \$14 million. The project must be in place by December 31, 2026.

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Acceptance of Reports

A motion was made by Vince Kirsch 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:

Waste Management Dumpster Billing

The Town Clerk contacted Waste Management and the bill has now been reduced to \$60 per month. The Town Board should request a new contract every November to secure the best pricing.

Varysburg Water Update

Supervisor Becker gave a detailed update on the Varysburg Water project displaying a color-coded map of the project.

- 840 ft of the 6420 ft new line is left to be installed. It will be installed on 12/18/25
- 17 service lines on Route 98 left to be completed and 4 on Route 20A
- All of School Street complete
- Councilman Kirsch asks for expected end date. Supervisor Becker replies that he is hoping by end of year but the landscaping repairs won't be complete until spring.
- Easement is needed at the site of the old Charney's Attic. New owner is Alan Henderson. Discussions with Mr. Henderson are ongoing to get his permission for the easement.

Mills Zoning Violation

No update.

Six Star Post – Request for Funding Veteran Banners

Supervisor Becker contacted the Legion Auxiliary and informed them that the Town cannot donate \$5,000 for the maintenance and install of the banners. The Town does not own a bucket truck to help with the install.

New Business:

Retainer Letter – DiMatteo, Roach & Kelly

A motion was made by Joe Meyer and seconded by Jim Fontaine to authorize the Town Supervisor to sign the 2026 retainer agreement with DiMatteo, Roach & Kelly.

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

Dog Control Agreement with Wyoming County

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the dog control agreement with Wyoming County.

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

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Invenergy Decommissioning Email

Drew Haynie, Associate with Invenergy, sent an email inquiring as to whether the Town would accept a decommissioning annual performance bond to satisfy section 15 of the Host Community Agreement. The email has been forwarded to the law office of DiMatteo, Roach & Kelly for review. Supervisor Becker will follow up with the Town attorney.

Budget Transfers

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the following budget transfers:

GENERAL FUND			debit	credit	total
TRANSFER FROM	A1640.4	CENTRAL GARAGE	\$ 12,991.55		
TRANSFER TO	A1410.4	TOWN CLERK CONTRACTUAL		\$ 394.48	
	A1620.4	BUILDINGS CONTRACTUAL (DUE TO HISTORICAL BLDG REPAIRS)		\$ 4,482.01	
	A5182.4	STREET LIGHTING CONTRACTUAL		\$ 134.91	
	A7110.4	PARKS CONTRACTUAL		\$ 3,325.26	
	A7510.4	HIGHWAY ADMIN CONTRACTUAL		\$ 115.09	
	A8010.4	ZONING CONTRACTUAL		\$ 236.39	
	A8020.4	PLANNING CONTRACTUAL		\$ 121.89	
	A8160.4	GARBAGE CONTRACTUAL		\$ 92.90	
	A9060.8	MEDICAL INSURANCE		\$ 4,088.62	\$ 12,991.55
TRANSFER FROM	A1220.2	SUPERVISOR EQUIPMENT	\$ 328.44		
TRANSFER TO	A1220.4	SUPERVISOR CONTRACTUAL		\$ 328.44	
TRANSFER FROM	A1420.4	LAW CONTRACTUAL	\$ 5,000.00		
	A1010.4	TOWN BOARD CONTRACTUAL	\$ 1,015.00		
TRANSFER TO	A9010.8	STATE RETIREMENT		\$ 6,015.00	
TRANSFER FROM	A1083	WIND POWER PAYMENTS DUE TO HWY	\$ 188,128.00		
TRANSFER TO	DA1083	WIND POWER PAYMENTS DUE TO HWY		\$ 188,128.00	\$ 188,128.00
HIGHWAY FUND					
TRANSFER FROM	DA5110.4	GENERAL REPAIRS CONTRACTUAL	\$ 42,645.08		
TRANSFER TO	DA5130.4	MACHINERY CONTRACTUAL		\$ 6,293.89	
	DA5142.4	SNOW REMOVAL CONTRACTUAL		\$ 13,056.31	
	DA5148.4	SERVICES FOR OTHER GOV'TS CONTRACTUAL		\$ 11,291.88	
	DA9010.8	STATE RETIREMENT		\$ 12,003.00	\$ 42,645.08
TRUST & AGENCY					
TRANSFER FROM	TA20	GROUP INSURANCE (L. METZ DENTAL INS)	\$ 516.82		
TRANSFER TO	A9060.8	HOSPITAL & MEDICAL INSURANCE		\$ 516.82	\$ 516.82
			\$ 250,624.89	\$ 250,624.89	\$ 244,281.45

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

Resolution – Adding Kate Bulera to Town Clerk Bank Account

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the addition of Kate Bulera to the Town Clerk Five Star bank account as the primary account contact and Carol Zittel as the secondary contact effective immediately.

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

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Resolution to Name Kate Bulera as Registrar of Vital Statistics

A motion was made by Vince Kirsch and seconded by Jim Fontaine to name Kate Bulera as the Registrar of Vital Statistics effective January 1, 2026.

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

Resolution to Add Lisa Perez and Jessica Merrill to Town Bank Accounts

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the removal of Katie Chmura and the addition of Lisa Perez and Jessica Merrill to all town bank accounts effective January 1, 2026.

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 Joe Meyer and seconded by Jim Fontaine that the

General Bills #248 to #279 for a Total of \$19,344.19, the

Highway Bills #169 to #179 for a Total of \$9,940.47, the

Lighting District bills #12 to #12 for a Total of \$710.07, the

Trust & Agency bills #14 to #14 for a Total of \$247.00, the

Varysburg Water District bills #62 to #66 for a Total of \$2,293.80, the

Varysburg Water System Improvement bills #24 to #26 for a Total of \$160,305.99 be paid.

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

Comments from the Floor

Supervisor Becker opened the floor to comments.

Thank You to Town Clerk and Bookkeeper

Councilman Kirsch thanked Town Clerk Carol Zittel and Town Bookkeeper Katie Chmura for their service to the Town. Both are retiring at the end of 2025. The entire Board joined in with appreciation.

New Zoning Law Questions

Resident Thomas Jorgensen and the Town Board engaged in a lengthy conversation regarding the new zoning law. Mr. Jorgensen noted that several tax parcels were zoned as both hamlet commercial and general commercial which is confusing. Supervisor Becker stated that the Town Board has not been involved in the drafting of the new zoning law and has left that to the planning board's purview.

Adjournment

At 8:35 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the December 17, 2025 meeting of the Sheldon Town Board.

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

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