

**REGULAR MEETING
SHELDON TOWN BOARD
APRIL 26, 2023**

The Regular Meeting of the Sheldon Town Board held April 26, 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. Supervisor Becker asked Ms. Noelle Pitkin to lead the pledge of allegiance.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Absent: Councilman Mike Armbrust (Councilman Armbrust joined by video but did not participate in voting)
Also present: Highway Superintendent Luke Metz, Warsaw Courier Reporter Maya Borer, Wyoming County Codes Enforcement Officer Don Roberts, Noelle Pitkin and guests from the Six Star Post American Legion. a signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Joe Meyer and seconded by Vince Kirsch that the minutes from the March 15, 2023 regular meeting be approved.

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

Communications

The Town Clerk Carol Zittel reported on the following:

Grievance Date

Grievance day for the Town of Sheldon is June 6th from 4-8pm at the Sheldon Town Hall.

Letter from Historian Jeanne Mest

A letter from Jeanne Mest was distributed to the Town Board prior to the meeting.

WYOMING COUNTY ZONING MONTHLY REPORT

Date: April 3, 2023 – Report for March 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:

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March: 3 Permits

- Mary Szczesniak (2952 Valley View Lane) – submitted an application for 10’ x 16’ storage shed
- Mike Misso (3357 Dutch Hollow Road) – submitted an application for 32’x 30’ barn addition
- James McNall, Jr. (Humphrey Road – SBL No.:80.1-8.12) – 36’ x 48’ pole barn for animal housing and equipment storage

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

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.

Reports

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

Highway Superintendent Report

Superintendent Luke Metz reported on the following:

Department Road Projects

The Department has been doing a lot of cold patching, cleaning out ditches, broom sweeping roads and hauling chipping stone. They have also been cutting shoulders using the grader with the assistance of Wyoming County Highway Department.

Pickup Truck

Luke would like to keep the current pickup truck when he eventually gets a new truck so that the department has an extra pickup for cold patching and for the highwaymen to use.

New 10-wheeler Truck

Verification of a vin # for the new truck has been made so that is a good sign that the truck purchase is progressing.

Paving Almeter Road

The Department plans on paving Almeter Road on May 8th.

F550 Arriving

The F550 should be arriving this week on Friday or Monday.

Surplus Equipment

Councilman Kirsch asked the Highway Superintendent to provide a list of equipment that should be declared surplus for next month's meeting.

Supervisor's Report

Supervisor Brian Becker did not present a report as most topics are covered on tonight's agenda.

Acceptance of Reports

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

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

Old Business:

Noelle Pitkin – Veterans Banners Update

Ms. Pitkin addressed the Board with an update on her efforts with the Veterans banners project. Ms. Pitkin raised \$26,500 from local businesses and community support – more than what was

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needed for this initial batch of banners. 126 banners will be put up by Memorial Day weekend. The surplus funds are being held in an account at the Six Star American Legion Post.

Wyoming County Zoning Presentation – Don Roberts

Don Roberts was present to address the Board regarding rates for the Town of Sheldon contract with Wyoming County for zoning services. Don believes that his department will be budget neutral by the end of the 3rd quarter so the 4th quarter payment will most likely not be needed which would result in no rate increase for the Town of Sheldon compared to last year. Don stated that Section 9 of the contract refers to this adjustment. Don Roberts and his office have supplied our Town Planning Board with a revised zoning law for review and have attended three recent planning board meetings to assist with review. Supervisor Becker noted that using the County for zoning services has brought a level of professionalism to our zoning enforcement and also noted the conflict of interest problems that arise when you use a local member of the community for this position.

Authorization for the Town Supervisor to Sign the Contract with Wyoming County for Zoning Services

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the 2023 contract with Wyoming County for zoning services.
Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Dental Insurance for the Highway Superintendent

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town to pay half the cost of dental insurance for the Highway Superintendent at a rate of \$66.49 per month. (The Town's share will be \$33.25 per month)
Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried

Election Polling Site in Sheldon

Supervisor Becker thanked reporter Maya Borer for her recent articles on Sheldon and the polling site issue. Supervisor Becker reported that the elections will be held at the St. John Neumann Parish Hall on Centerline & Route 98. All further comments regarding the arrangement should be directed to the Board of Elections and the Church.

Pioneer Cemetery Maintenance

Councilman Kirsch with the Board in agreement, commended Councilman Fontaine for his efforts to remove the dead trees from the cemetery. Councilman Fontaine noted that July would be the best time to spray the ivy. Supervisor Becker will contact the County Highway Superintendent regarding spraying the ivy.

Historian Jeanne Mest sent an invite for the unveiling of two historical roadside markers. The event will be held on May 20th at 1pm. The American Legion will be sending an honor guard. Ms. Mest's invitation states that the Pioneer Cemetery contains the remains of most of the first settlers of the town. The cemetery has at least five veterans from the Revolutionary War and five from the War of 1812.

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ARPA Funding

Supervisor Becker has the log in information and is updating the ARPA paperwork. Monies will be used for the excavator and the remaining money used for a generator. Supervisor Becker will be meeting with Scott from Barton & Loguidice to have specifications written for the generator.

Spectrum Update

The Town Clerk reported that the internet charges have been resolved on the Spectrum bill but that Spectrum is billing us for more phone lines than we have. She will call Spectrum to resolve the issue and to cancel two fax lines. The only phone lines that the Town should have after the two fax lines are cancelled are the Court phone and Court fax lines. Supervisor Becker noted the monthly savings by switching the phone lines to Verizon. The Town Clerk and the Highway Superintendent reported that the internet has been working well for them at the hall. Supervisor Becker noted that Jacob Chmura helped to get the internet working properly.

Varysburg Water Update – Engineer Proposal

A professional services proposal was received from Matt Zarbo. The fee breakdown is \$17,500 for Part 1: preliminary engineering report and \$7,500 for Part 2: project development assistance. A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the Town Supervisor to sign the agreement with Barton & Loguidice to provide the scope of services as outlined in the March 31, 2023 proposal for a total of \$25,000.

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

Varysburg Water - Leaks

Supervisor Becker reported that Jim Kelly contacted him regarding a leak between the fire hall and the Dollar General. Supervisor Becker was hoping it would be the leak they were looking for but it was only a small leak. Ed Zehler will address the leak. Supervisor Becker will be working with Andy Meyer from the Wyoming County Health Department to work on going section by section in the water district to try to ascertain where the large leak is. Supervisor Becker was contacted by a resident last month who said there was a sink hole in her front yard. Supervisor Becker drove down to the resident's house and determined it was a DI box from the State.

Water Operator Training

Supervisor Becker is registered for certified water operator training and was able to obtain a lower government rate for his hotel than initially booked through a discount hotel website.

Update to Fire District Maps

The Town Clerk will notify the fire chiefs and chairs of the fire commissioners of the public hearings

**TOWN OF SHELDON RESOLUTION
AUTHORIZING A PUBLIC HEARING REGARDING THE ALTERATION OF
SHELDON AND STRYKERSVILLE FIRE PROTECTION DISTRICT BOUNDARIES**

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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 application; and

WHEREAS, the Town Board of the Town of Sheldon wishes to amend or alter the boundaries of the Fire Protection Districts within the Town of Sheldon to ensure accuracy of coverage and for taxing purposes, and

WHEREAS, Town Law §172-C authorizes the Town Board to alter the boundaries of Fire Protection Districts upon the Town Board holding a public hearing and declaring a motion to alter Fire Protection District boundaries, and

WHEREAS, in order to comply with Town Law relative to altering the boundaries of Fire Protection Districts, a public hearing must be conducted with regard to Fire Protection District, and

WHEREAS, the Town Board of the Town of Sheldon finds it in the best interest of the Town of Sheldon to hold a public hearing to consider the proposed alterations, at which time and place all interested parties and citizens for or against the proposed alterations will be heard.

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

RESOLVED, that the Town Board of the Town of Sheldon will hold a public hearing on the 17th day of May, 2023 at 7:00 p.m. at the Town Offices located at 1380 Centerline Road, Strykersville, New York, 14145, to consider the proposed alterations to the Sheldon and Strykersville Fire Protection Districts.

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

**TOWN OF SHELDON RESOLUTION
AUTHORIZING A PUBLIC HEARING REGARDING THE ALTERATION OF
NORTH JAVA FIRE DISTRICT BOUNDARIES**

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 application; and

WHEREAS, the Town Board of the Town of Sheldon wishes to amend or alter the boundaries of the Fire District within the Town of Sheldon to ensure accuracy of coverage and for taxing purposes, and

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WHEREAS, Town Law §172-A authorizes the Town Board to alter the boundaries of Fire Districts upon holding a joint public hearing with the Board of Fire Commissioners and adopting a joint resolution approving of such proposed alterations, and

WHEREAS, in order to comply with Town Law relative to altering the boundaries of a Fire District a joint public hearing with the Board of Fire Commissioners must be conducted with regard Fire Districts, and

WHEREAS, the Town Board of the Town of Sheldon finds it in the best interest of the Town of Sheldon to hold a joint public hearing to consider the proposed alterations, at which time and place all interested parties and citizens for or against the proposed alterations will be heard.

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

RESOLVED, that the Town Board of the Town of Sheldon will hold a joint public hearing on the 17th day of May, 2023 at 7:00 p.m. at the Town Offices located at 1380 Centerline Road, Strykersville, New York, 14145, with the Board of Fire Commissioners of the North Java Fire District to consider the proposed alterations to the North Java Fire District.

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

**TOWN OF SHELDON RESOLUTION
AUTHORIZING A PUBLIC HEARING REGARDING THE ALTERATION OF
VARYSBURG FIRE DISTRICT BOUNDARIES**

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 application; and

WHEREAS, the Town Board of the Town of Sheldon wishes to amend or alter the boundaries of the Fire District within the Town of Sheldon to ensure accuracy of coverage and for taxing purposes, and

WHEREAS, Town Law §172-A authorizes the Town Board to alter the boundaries of Fire Districts upon holding a joint public hearing with the Board of Fire Commissioners and adopting a joint resolution approving of such proposed alterations, and

WHEREAS, in order to comply with Town Law relative to altering the boundaries of a Fire District a joint public hearing with the Board of Fire Commissioners must be conducted with regard to Fire Districts, and

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WHEREAS, the Town Board of the Town of Sheldon finds it in the best interest of the Town of Sheldon to hold a joint public hearing to consider the proposed alterations, at which time and place all interested parties and citizens for or against the proposed alterations will be heard.

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

RESOLVED, that the Town Board of the Town of Sheldon will hold a joint public hearing on the 17th day of May, 2023 at 7:00 p.m. at the Town Offices located at 1380 Centerline Road, Strykersville, New York, 14145, with the Board of Fire Commissioners of the Varysburg Fire District to consider the proposed alterations to the Varysburg Fire District.

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

NYMIR Inspection/Historical Building

There is an upcoming webinar on playgrounds on municipal properties. Councilman Fontaine will try to attend the webinar. Councilman Fontaine read aloud the report from NYMIR which indicated that the swings and slide need to be removed from the Schoolhouse grounds. Supervisor Becker noted that this has been an issue for our insurance since 2006/2007. The Town Clerk read aloud the letter received from Historian Jeanne Mest. In the letter Ms. Mest asks for the Town Board to reconsider removing both the swings and the slide. The Town Clerk will reach out to our insurance representative for assistance.

At 8:00 p.m. Ms. Pitkin and the guests from the American Legion departed the meeting.

New Business:

Open Bids – Lawn Service

A legal notice was placed in the Batavia Daily advertising for lawn maintenance bids. Only one bid was received.

A motion was made by Jim Fontaine and seconded by Joe Meyer to accept the April 11, 2023 bid from Dennis Eley, owner of Maple Tree Environmentalist, 1369 Tooley Road Ext., Attica, NY 14011 and to award the contract to Mr. Eley for the 2023 and 2024 seasons.

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

Vincent Almeter Memorial Park: 2023 = \$3,000, 2024 = \$3,200

Sheldon Town Hall: 2023 = \$1,500, 2024 = \$1,600

Water Tower: 2023 = \$500, 2024 = \$525

Pump House: 2023 = \$350, 2024 = \$375

Permission to Pay for 2022 Ford F550 Truck Upon Delivery

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the bookkeeper to pay the \$117,935.00 invoice for the 2022 Ford F550 truck upon delivery.

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Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: (1) Armbrust Nays: (0) Motion Carried
The Town had budgeted \$80,000 for a new truck but with the future sale of the telestar truck and the backhoe the Town hopes to recoup the difference.

EDUs – Sheldon Elementary

A potential buyer for the former Sheldon Elementary School has contacted the Town regarding permits necessary to convert a portion of the school into a residence and to run a retail business out of the other portion of the building. Don Roberts has talked to the applicant regarding building and zoning regulations. Mr. Roberts stated a special use permit will be required. If the owner plans to rent out additional space additional special use permits may be needed. The school was billed for approximately 13/14 EDUs by the Varysburg Water District. The potential buyer inquired as to whether this number can be reduced to 2. Supervisor Becker has informally discussed the issue with a few water board members and they indicated agreement to lower the number of EDUs, however, a meeting with the Water Advisory Board will be scheduled to approve the change. The issue would then come back to the Town Board for their formal approval. Councilman Armbrust suggested that a stipulation be put in the special use permit that additional EDUs will be added if more shops or other changes are made to the original description.

Resolution to Establish Standard Work Day Hours for Lucas Metz – NYS Retirement

A motion was made by Jim Fontaine and seconded by Vince Kirsch to establish the following standard work days for the title of Highway Superintendent and to report the officials to the NYS Local Retirement based on their record of activities:

NoeLucas Metz, Highway Superintendent, Term of office 11/18/22 – 12/31/23, standard work day 8 hours, record of activities result 20.

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

Approve Ruth Metzger Recreation Director

A motion was made by Vince Kirsch and seconded by Joe Meyer to approve appointing Ruth Metzger to the position of recreation director for the 2023 year.

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

Fund Transfer

A motion was made by Vince Kirsch and seconded by Joe Meyer to approve the transfer of \$200,000.00 from General Money Market A1083 to Highway Money Market DA1083 for February through May 2023 bills and payroll.

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

Bills:

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

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General Bills #72 to #105 for a Total of \$19,878.47 (voucher 102 \$37.50 to Kate Meyer will be deducted from the total – these were reissued checks), the Highway Bills #41 to #53 for a Total of \$15,292.81, the Lighting District Bills #4 to #4 for a Total of \$500.55, the Trust & Agency Bills #5 to #6 for a Total of \$263.88, and thVarysburg Water District Bills #17 to #24 for a Total of \$3,422.73 be paid.

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

Comments from the Floor

Supervisor Becker opened the floor to comments. Zoning Board of Appeals member Mike Pfohl was present and gave a recap of two recent ZBA meetings.

Adjournment

At 8:40 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the April 26, 2023 regular meeting of the Sheldon Town Board.

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