

**REGULAR MEETING
SHELDON TOWN BOARD
August 19, 2020**

The Regular Meeting of the Sheldon Town Board held August 19, 2020 via Zoom teleconference was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Mike Armbrust, Vince Kirsch, Joe Meyer, Jim Fontaine
The five board members met in person at the Town Hall. The Town Clerk joined via Zoom.
Recording Secretary: Town Clerk Carol Zittel
Also present: Mary McNall

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the July 15, 2020 regular meeting be approved.

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

Open Public Hearing – Sheldon Fire Department Contract

At 7:30 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing on the Sheldon Fire Department Contract.

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

As there were no members of the public to speak on the matter, the Board continued with their meeting agenda.

Communications

Varysburg Park Street Address

The Park Committee requested a street address for the Vincent Almeter Memorial park. The Town Clerk reached out to the Wyoming County Highway Department and obtained an address of 2322 Route 98, Varysburg, NY 14167. The Town Clerk will request a street sign from the Varysburg Fire Department.

Household Hazardous Waste & Electronics Recycling Events

Household hazardous waste event in Mount Morris on September 19th. Electronics recycling on September 26th in Mount Morris. Both have been advertised on the Town Facebook page.

Hunting License Sales for 2020

The Town Clerk is utilizing a sales form for hunters to fill out prior to picking up their hunting tags. The forms will be available outside on the Town Hall wall for hunters to fill out and drop in the front door mail slot. This will hopefully prevent a line of hunters waiting to purchase their licenses and lessen the number of people in the hall.

Reports

The Town Supervisor financial reports, cash flow reports, Town Clerk July report and Town Justice July reports were distributed via email prior to the meeting.

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Highway Superintendent Report

The Highway Superintendent submitted a written report which was emailed prior to the meeting. Report below:

HIGHWAY SUPERINTENDENT REPORT 8-19-20

- We continue to work in conjunction with other local Towns.
- 7/20-22 we paved with Java.
- 7/23 helped the County with Shoulders on Perry Rd.
- 7/27 helped Middleburry with paving.
- 7/28-29 helped Orangeville with paving
- 7/30 helped Middleburry finish paving
- 8/3 helped Wales with paving
- 8/4 Wales helped us Shim with Blacktop Humphrey Rd
- 8/5 helped Wales put Shoulders on their new Paved rd
- 8/6 Bennington helped us Shim with Blacktop Humphrey Rd
- 8/10 Replaced culvert on N.Sheldon Rd also extended the culvert on Valley View at Centerline Rd
- 8/11 helped Arcade with paving
- 8/12 Repair Garrett Almeter Driveway
- 8/13 Orangeville helped us Shim with Blacktop Manley Rd
- 8/17-18 helped Attica with paving
- 8/19 Java helped us Shim with Blacktop Manley Rd
- Still waiting on new 10 Wheel Snow Plow/Dump Truck that was due in July 27th 2020. Is late due to Covid-19. Projected date is September 15, 2020 for Cab and Chasis.

Supervisor's Report

Supervisor Becker reported the following:

Tax Override Law

The Town will need to pass an override law this year.

County Hospital – Revenue Loss Due to COVID19

The County pre-paid for nine ventilators and has not received them yet. The hospital has a \$1,600,000.00 shortfall due to COVID-19. Most of the lost revenue was due to the stoppage of elective surgeries. Hopefully, now that elective surgeries have resumed things will pick up.

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Town of Wethersfield Judge Resignation

The Judge in the Town of Wethersfield has resigned. Attorney DiMatteo informed the Supervisor that there is a pilot program available to allow neighboring Towns to cover for another Town and that Sheldon would be eligible. The Sheldon judges are open to it. It would not require another night at the Town Hall. Wethersfield would compensate for using our building and would pay our Judges and Court Clerk.

Motion to Move Forward with Consolidation of Wethersfield and Sheldon Court

A motion was made by Jim Fontaine and seconded by Mike Armbrust to give authorization to proceed with the process to consolidate the Wethersfield and Sheldon courts in order to process Wethersfield tickets.

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

Acceptance of Reports

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

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

Presentation from Mary McNall on Behalf of Common Energy

Town resident, Mary McNall, gave a presentation on a community solar program administered by the company Common Energy. A paper copy of a power presentation was distributed to Board members and is on file in the Town Clerk's office. The Town Board had a few concerns regarding the autopay requirement. The Town Supervisor will talk with Katie Chmura, Town Bookkeeper, and Town Attorney, David DiMatteo regarding the issue.

Old Business:

Schofield Deed Restriction

The second payment check has been received. The deed restriction has not been received yet. The Town Attorney will send another reminder to the Schofield's attorney.

Solar Law

TOWN OF SHELDON RESOLUTION RELATING TO THE PROPOSED LOCAL LAW ENTITLED "REGULATING SOLAR ENERGY SYSTEMS" IN THE TOWN OF SHELDON

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo's Executive Orders 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live and the public had ample notice of when and how to access the Zoom conference; and

WHEREAS, the live conference of the Town Board of the Town of Sheldon is being recorded and will later be transcribed and made available for public access in addition to the

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meeting minutes; and

WHEREAS, the Town Board of the Town of Sheldon is considering a proposed local law, entitled “Regulating Solar Energy Systems”, to regulate large and small scale solar projects within the Town of Sheldon; and

WHEREAS, the Town of Sheldon recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper permitting; and

WHEREAS, by resolution dated July 15, 2020, the Town Board of the Town of Sheldon declared its intent to seek lead agency pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) for purposes of SEQRA review and completed Part 1 of the Full Environmental Assessment Form; and

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, was submitted to the Wyoming County Planning Board for review at their August 3, 2020, and made the following determination:

Approval with Comments, said comments being:

- When Local Law has been adopted, please forward a copy to our office.
- The Local Law is to encourage the development of guiding future growth of Alternative Energy Systems i.e. Wind, Solar, Geo Thermal.
- The Town has submitted a complete SEQR application.
- The Town may want to consider requiring minimum lot size that is consistent with the minimum setback required.
- There appear to be no significant county-wide negative impacts related to this proposed project.

; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Sheldon to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Mike Armbrust which has been duly seconded by Joe Meyer, now therefore, be it

RESOLVED, that Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of the local law entitled “Regulating Solar Energy Systems” on the 16th day of September, 2020 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

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RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

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

Battery Storage Law

TOWN OF SHELDON RESOLUTION RELATING TO THE PROPOSED LOCAL LAW ENTITLED "REGULATING BATTERY ENERGY STORAGE SYSTEMS" IN THE TOWN OF SHELDON

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo’s Executive Orders 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live and the public had ample notice of when and how to access the Zoom conference; and

WHEREAS, the live conference of the Town Board of the Town of Sheldon is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

WHEREAS, the Town Board of the Town of Sheldon is considering a proposed local law, entitled “Regulating Battery Energy Storage Systems”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within the Town of Sheldon; and

WHEREAS, the Town of Sheldon recognizes that battery energy storage systems are becoming an integral component to alternative energy sources; and

WHEREAS, by resolution dated July 15, 2020, the Town Board of the Town of Sheldon declared its intent to seek lead agency pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) for purposes of SEQRA review and completed Part 1 of the Full Environmental Assessment Form; and

WHEREAS, pursuant to §§239-1 and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, was submitted to the Wyoming County Planning Board for review at their August 3, 2020, and the following determination was made:

Approval with Comments, said comments being:

- All local County and State permits should be obtained prior to approval.
- All required setbacks must be met.
- The Town is commended for submitting a complete application including all SEQRA.

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- There appear to be no significant county-wide negative impacts related to this proposed project.
- ; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Sheldon to hold a public hearing to consider the adoption of said local law.

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

RESOLVED, that Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of the local law entitled “Regulating Battery Energy Storage Systems” on the 16th day of September, 2020 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

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

Reminder: North Java Fire District Extension Public Hearing

The North Java Fire District Extension Public Hearing will be held on Tuesday, September 15, 2020 at 7:00 p.m. at the fire hall.

New Business:

Mary Kern – NYS Retirement Hours – Standard Work Day Resolution

On a motion made by Jim Fontaine and seconded by Mike Armbrust be it resolved, that the Town of Sheldon hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Mary Kern, Assessor, 4/1/2020, standard work day of 7 hours, record of activities 7.63, pay frequency bi-weekly.

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

Williamson Law Accounting Software Contract

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the accounting software contract with Williamson Law in the annual amount of \$1,007.00. (increase of \$20 from last year)

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

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Fund Transfer

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the transfer of \$100,000.00 from General Money Market A1083 to Highway Money Market DA1083 for August 2020 bills and payroll.

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

2020 Budget Workshop

A motion was made by Vince Kirsch and seconded by Joe Meyer to set the date for the 2020 budget workshop for September 30, 2020 at 7:00 p.m. at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145.

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

Time Warner/Spectrum Issues

The Town Clerk contacted Spectrum Business to upgrade the internet speed at the Town Hall. She was informed that in order to make the upgrade each of our phone lines (6) would increase by \$14.99, the television service in the highway garage would no longer be complimentary and would be billed \$49.99 plus \$7.99 each for two boxes, and the internet charge would increase from \$80 to \$119.99. The Town Clerk cancelled the internet service at the Historical Building after checking with Jeanne Mest, Town Historian. The Town Hall internet will not be upgraded due to the increase in billing that would result. The Town Supervisor will reach out to the Town Attorney to see if he has any suggestions.

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 General Bills #148 to #173 for a Total of \$11,312.82, the Highway Bills #108 to #124 for a Total of \$19,981.08, the Trust & Agency Bills #24 to #27 for a Total of \$706.06, the Varysburg Water District Bills #34 to #42 for a Total of \$1,523.72, and the Lighting District Bills for a Total of \$763.09 be paid.

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

Comments from the Floor

No residents present for the meeting.

The Board had the following comments:

National Fuel Leak at Historical Schoolhouse

There was a question regarding a landscaping bill at the Schoolhouse. The Town Clerk and Town Supervisor responded that National Fuel found a leak in a line at the Schoolhouse which required digging. The Town was reimbursed \$320 from National Fuel for landscaping repairs.

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Perforated Pipe Purchase – Highway

There was a question regarding the price of perforated pipe purchased by the Highway Department. Supervisor Becker called Highway Superintendent Ricketson on speaker phone and received clarification.

Stone Wall Strykersville Cemetery

There was concern as to the condition of the cemetery. Supervisor Becker responded that Joe Yox had been mowing it but that he had requested topsoil and the topsoil has not been delivered yet. The Town Supervisor will work on getting the topsoil delivered.

Frinks Corners Cemetery Maintenance

A motion was made by Brian Becker and seconded by Jim Fontaine to appoint Ed Mendes as the caretaker of the Frinks Corners Cemetery lawn maintenance.

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

Close Public Hearing – Sheldon Fire Department Contract

At 8:40 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to close the public hearing on the Sheldon Fire Department Contract.

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

Approval of Sheldon Fire Contract

A motion was made by Joe Meyer and seconded by Vince Kirsch to approve the five year contract with the Sheldon Fire Department with the following increases: \$2,500 plus 2% in 2021 and an additional 2% for the next four years.

2021: \$122,059.25

2022: \$124,500.43

2023: \$126,990.44

2024: \$129,530.25

2025: \$132,120.86

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

Enter Executive Session – Highway Contract Negotiations

At 8:42 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to enter Executive Session to discuss highway department contract negotiations.

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

The Town Clerk was dismissed from the meeting and closed the Zoom interface.

Exit Executive Session – Highway Contract Negotiations

At 8:57 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to exit executive session regarding highway department contract negotiations.

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

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Adjournment

At 8:58 p.m. a motion was made by Vince Kirsch and seconded by Mike Armbrust to adjourn the August 19, 2020 meeting of the Sheldon Town Board.

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