

**REGULAR MEETING
SHELDON TOWN BOARD
FEBRUARY 16, 2022**

The Regular Meeting of the Sheldon Town Board held February 16, 2022 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. A Zoom meeting was also held.

Present: Supervisor Brian Becker (in-person)
Councilmen: Joe Meyer, Vince Kirsch, Jim Fontaine (in-person)
Mike Armbrust (via Zoom)
Recording Secretary: Town Clerk Carol Zittel (in-person)
Also present in-person: Highway Superintendent David Ricketson, Deputy Town Clerk Whitney Kehl
Present via Zoom: Resident Billy Harvey
No others were present.

Open Public Hearing – Local Law 1-2022 Videoconference Law

At 7:00 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for Local Law 1-2022 entitled: “Allowing Town Board members to participate in Town Board meetings via videoconferencing from locations outside the Town of Sheldon boundary lines.”

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

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the January 19, 2022 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, reported on the following:

Fire Department Reports

Harris Corners and Sheldon Fire Departments submitted 2021 financial reports and 2022 list of officers.

Tri-Town Senior Citizen Report

The Town Clerk distributed the Tri-Town Senior Citizen report.

Historical Society Event

The Sheldon Historical Society will be hosting the 2022 spring workshop for the Wyoming County Federation of Historical Societies. The event will be held Saturday, April 9, 2022 at the St. Mary’s parish hall in Strykersville. Cost is \$20.00. Deadline to register is March 31, 2022.

COVID Tests

The Town received 90 COVID test kits. The kits were distributed between the two senior citizen groups.

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Charter Communications Franchise Payment

The Town received a check in the amount of \$22,819.56 for the Charter Communication franchise fee payment.

Reports

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

Highway Superintendent Report

Highway Superintendent Ricketson reported on the following:

2012 Peterbilt Repairs

The 2012 Peterbilt, truck #236, has a hydraulic leak. The center block rotted through. Truck will be down at least three days. This is the oldest truck in the fleet.

Salt Storage

Councilman Fontaine asked if the salt storage building is full for the rest of the winter season. Superintendent Ricketson responded that he just ordered 100 ton of salt and 100 ton of sand. He doesn't want to keep too much in the building as he wants to coat the walls again.

Snow Blower – Surplus Equipment

The snow blower did not sell on Auctions International as the highest bid received on the site was \$3,150.00. The Town of Castile has offered \$4,000.00.

A motion was made by Vince Kirsch and seconded by Joe Meyer to accept the bid of \$4,000.00 from the Town of Castile for the snow blower.

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

Supervisor's Report

Supervisor Becker reported on the following:

Grant – Worker Housing

Joan Petzen from Cornell Cooperative Extension is reaching out to local farmers to obtain funding for farmer housing. Submitting a County-wide grant increases the odds of funding.

Passing of CEO of Wyoming County Community Hospital

CEO of Wyoming County Community Hospital, Joseph McTernan, passed away suddenly. Condolences to Mr. McTernan's family are extended.

NYS State of Emergency – Videoconference for Meetings

Governor Kathy Hochul extended the State of Emergency for one more month allowing for Zoom videoconference meetings for local government boards.

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Acceptance of Reports

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

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

Old Business:

Varysburg Water Update

Joe Heidelberg has completed work at the pump house. Tonight's water bills include the invoice from Heidelberg for \$9,925.00.

The Board received photos of the work from Supervisor Becker. The Board commented that the work looks good.

ARPA Funding

The Town will be using approximately \$50,000.00 from the ARPA funding towards the new excavator. The Town will get pricing on what will be required to purchase a generator to run the office space and the highway department in the hopes to use ARPA funding for its purchase. Supervisor Becker expects a diesel generator will be required at an approximate cost of at least \$30,000.00. Pricing will also be requested to cement the front end of the highway building in front of the truck bays. Highway Superintendent Ricketson noted that the department could use a trailer for the skid steer.

Spectrum Update – Town Hall

Supervisor Becker met the Spectrum technician at the Town Hall on February 20th. The technician's specs did not match what the Town had signed on for. At this point, Supervisor Becker is requesting from Spectrum that the internet speed be increased at the hall without the need for new phone equipment. Councilman Kirsch asked the Town Clerk to send the contract to him for review.

Broadband Survey Update

The Town Clerk will be sending letters to residents listed as not having access to broadband services to persuade residents to complete the broadband survey and submit letters to the Town Board.

Low Income Classification – Aged Exemption

Attorney DiMatteo spoke with Supervisor Becker and recommended that the Town hold off on this change in income classification due to the lack of benefit it would provide considering the Town has a zero percent Town tax rate.

A motion was made by Vince Kirsch and seconded by Mike Armbrust to forego any change in income classification for the aged exemption at this time.

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

Audit Date

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Don Przybl will reach out when he is available to audit the Town books. It should be within the next few weeks.

New Business:

Close Public Hearing – Local Law 1-2022 Videoconference Law

At 7:20 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to close the public hearing for Local Law 1-2022 entitled: “Allowing Town Board members to participate in Town Board meetings via videoconferencing from locations outside the Town of Sheldon boundary lines.”

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

Adoption of Local Law 1-2022 Videoconference Law

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 desires to allow its Board members to participate in Town Board meetings via videoconference from outside the geographical boundaries of the Town, pursuant to Public Officers Law § 102; and

WHEREAS, it is unclear under Town Law § 62 whether a Town Board member may participate in Board meetings from a location outside the Town’s boundaries; and

WHEREAS, the Town Board wishes to provide the express authority, pursuant to Municipal Home Rule § 10, for its members to participate in Board meetings from outside the geographical boundaries of the Town of Sheldon; and

WHEREAS, at a Board meeting held on the 19th day of January, 2022, the Town Board of the Town of Sheldon found that it is in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

WHEREAS, notice of said public hearing was duly advertised in the Batavia Daily, the official newspaper of said Town; and

WHEREAS, said public hearing was held on February 16, 2022 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, after due consideration and discussion the Town Board has decided to adopt said proposed local law.

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

RESOLVED, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon permit Town Board members to participate in Town Board meetings via videoconference from outside the geographical boundaries of the Town of Sheldon; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Roll call vote:

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

**TOWN OF SHELDON
A PROPOSED LOCAL LAW ENTITLED:
“ALLOWING TOWN BOARD MEMBERS TO PARTICIPATE IN TOWN BOARD
MEETINGS VIA VIDEOCONFERENCING FROM LOCATIONS OUTSIDE THE
TOWN OF SHELDON BOUNDARY LINES”**

BE IT ENACTED by the Town Board of the Town of Sheldon as follows:

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to give Town Board members the authority to participate in Town Board meetings via videoconference from locations that fall outside the Town’s geographical boundaries. Videoconferencing has proven to be an effective and useful tool for Town Board meetings that allows members to participate despite issues such as inclement weather, illness, or travel plans. Videoconferencing also helps ameliorate potential quorum issues so that the Town is able to address business and matters in a more timely fashion.

Although Public Officer’s Law § 102 expressly allows members of a public body to attend and participate in meetings using videoconferencing, Town Law § 62 states that Town Board meetings must take place with the Town, thereby making it unclear if a Town Board member may participate via videoconference from a location outside the Town’s boundaries. This local law is meant to expressly provide that authority to members of the Town Board.

SECTION II. AUTHORITY

This local law is adopted pursuant to Municipal Home Rule Law § 10 which expressly authorizes the Town Board to adopt a local law superseding any provision of the Town Law relating to the property, affairs, or government of the Town.

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SECTION III. VIDEOCONFERENCING FROM OUTSIDE TOWN LIMITS

The Town Board of the Town of Sheldon, County of Wyoming hereby supersedes Town Law § 62 to expressly allow Town Board members to participate in Town Board meetings using videoconferencing from locations that fall outside the geographical boundaries of the Town.

SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

ZBA Member

Mr. George Mest informed the Town Clerk that he is no longer interested in serving on the Zoning Board of Appeals. A vacancy will exist until a replacement is found.

New Garbage Tote Distribution

Wyoming County residents were informed via postcard that new garbage and recycling totes will be distributed. Residents will be given a 96 gallon garbage tote unless they opt out and request a 64 gallon tote. Supervisor Becker wants people to be aware that this change was not something requested by the Town or the County and that this is a Waste Management change in service. The Town Clerk will ask Wyoming County Planning Director, James Bragg if the recycling bins will also be 96 gallon size. She will also ask whether the large Waste Management disposal bags sold at home repair stores will be picked up on large pick up days.

Historian Marker Sign

Town Historian, Jeanne Mest, received a grant to install a historian marker sign and inquired as to whether the Town Highway Department could assist in install. Superintendent Ricketson agreed to assist if the department has the necessary equipment. He will wait to see what type of sign is delivered and the post requirement. Councilman Armbrust suggested contacting Steve Beechler to see if his post hole digger would be available.

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Budget Transfer

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the transfer of \$100,000.00 from General Fund Money Market A1083 to Highway Fund Money Market DA1083.

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

Budget Journal

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the debit from A2705 Gift & Donations and credit A7510.4 Historian Contractual to receive grant money from the William G. Pomeroy Foundation and authorize payment to Sewah Studios for the historical marker.

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

Transfer of Invenergy Payment to the Tax Collector

Invenergy mistakenly sent a direct deposit to the General Fund Money Market account in the amount of \$107,703.19. This money should have been deposited into the Tax Collector's account for fire taxes. The Town Bookkeeper issued check #8385 from the General Fund checking account in the amount of \$107,703.19 to Donna Almeter, Tax Collector on 2/12/22. A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the issuance of a check in the amount of \$107,703.19 from the General Fund to Donna Almeter, Tax Collector, to correct the error by Invenergy.

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

Bills:

Supervisor Becker confirmed that the Board had a chance to review the abstracts.

A motion was made by Vince Kirsch and seconded by Joe Meyer that the General Bills #18 to #42 for a Total of \$125,710.22, the Highway Bills #11 to #21 for a Total of \$19,522.82, the Trust & Agency Bills #4 to #6 for a Total of \$569.72, the Lighting District Bills for a Total of \$347.78, the Varysburg Water District Bills #6 to #10 for a Total of \$10,578.32, the Harris Corners Fire Contract \$32,448.94, the Strykersville/Harris Ambulance Contract \$1,030.00, the Sheldon Fire Contract \$124,500.43, the Strykersville Fire Contract \$37,550.00, the Java Fire Contract \$13,804.86, and the Varysburg Fire Contract \$35,981.80 be paid.

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

Comments from the Floor

At 8:00 p.m. Supervisor Becker opened the floor to comments.

Historical Records Work

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The Town Clerk noted that she will be meeting with Town Historian Jeanne Mest and Deputy Town Clerk Whitney Kehl on Wednesday, February 23, 2022 to review items that need to be preserved (oldest minute books and other items) and to develop a plan for their preservation. Supervisor Becker recommended reaching out to Gail Royce who handles Wyoming County record retention responsibilities.

Adjournment

At 8:05 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the February 16, 2022 meeting of the Sheldon Town Board.

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