

**REGULAR MEETING
SHELDON TOWN BOARD
FEBRUARY 15, 2023**

The Regular Meeting of the Sheldon Town Board held February 15, 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.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
Absent: Councilman Joe Meyer, 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, Attorney David DiMatteo, Wyoming County Board of Elections Commissioners Jim Schlick and Hank Bush, Court Clerk & Town Tax Collector Donna Almeter, Assessor Mary Kern arrived at 7:30 p.m.

Open Public Hearing – Brian Eddy Storage Facility Special Use Permit

At 7:04 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to open the public hearing on the special use permit application submitted by Brian Eddy to construct a self storage facility at the intersection of Route 20A and Route 77.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Minutes

The Town Clerk noted some revisions to the December 21, 2022 minutes. Corrections were made under the Highway Superintendent's report.

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the revised minutes from the December 21, 2022 regular meeting and the minutes from the January 18, 2023 regular and organizational meeting be approved.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Communications

The Town Clerk Carol Zittel reported on the following:

Notice of Liquor License Renewal

Thea Herrmann, owner of the Route 78 Pub, submitted a notice of renewal of a NYS liquor license.

A motion was made by Vince Kirsch and seconded by Jim Fontaine to accept without objection the notice of liquor license renewal from the Route 78 Pub, Thea Herrmann owner.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Varysburg Fire Department Proclamations

Proclamations were written for Ed Hulme and Patrick Almeter honoring their 50 years of service to the Varysburg Fire Department. The proclamations were read at the department's officer installation dinner.

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Assessment Notice from the NYS Dept. of Taxation & Finance

NYS Dept. of Taxation and Finance notified the Town of the list of special franchise full values for the following special franchise companies: National Fuel, NYSEG, Verizon and Time Warner of Rochester.

Historian Correspondence

Jeanne Mest, Town Historian, emailed correspondence just prior to tonight's meeting regarding questions on the Pioneer Cemetery clean up and the installation of historical marker signs. Councilman Fontaine will attend the Historical Society meeting tomorrow night to discuss these issues in addition to the repair requests from the Society. Highway Superintendent Metz was made aware of the highway department's assistance in installing a historical marker sign in the past and has agreed to assist with the new signs installations.

Late Addition to Tonight's Water Bills

Thane Wright dropped off a bill tonight to be paid to Carl Parmeter for the reimbursement of the purchase of a chemical distributor for the Varysburg Water District.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the addition of this bill to tonight's abstracts.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Reports

The Town Supervisor financial reports, Town Clerk report and Town Justice reports were distributed. A full year payroll report for the highway department was also distributed.

WYOMING COUNTY ZONING MONTHLY REPORT

Date: February 1, 2023 – Report for January 2023

Town: Sheldon

Open Projects:

1. Calmes- Land separation at 2074 Schwab Rd., to separate 3 acres from original parcel of 58.0
2. Perl- Land separation at 1545 Centerline Rd., to separate 5 acres from original parcel of 133.21 acres
3. Boorman- Land separation at 2571 School St., to separate 0.23 acres from original parcel of 1.50 acres to then be merged with the neighboring property owned by St. Joachim & Anne Parish Church, parcel No. 69.2-1-23.
4. Crossroads Land Management, Inc. (Brian Eddy) 0 Route 77, Special Use Permit for storage units.

Permits Issued:

January: 1 permit:

Breezyhill Dairy, LLC (2705 N. Sheldon Rd.) - zoning permit issued for a 3,840 sq. ft. home.

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Special Use Permits Renewed & Inspected: none 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.

Highway Superintendent Report

Superintendent Luke Metz reported on the following:

Oil/Water Separator

The oil/water separator was pumped out. It hadn’t been done since 2012.

Salt Barn Resealing

The Department hopes to empty the salt building in order to seal the concrete walls.

Salt Vendor

Councilman Fontaine asked Supt. Metz about purchasing salt stating he had heard that the Town of Bennington purchases from a company out of Buffalo. Supt. Metz replied that after speaking to other towns regarding the quality of the product, he intends to continue to purchase from American Rock Salt.

Truck #232

Truck 232 had another rotten battery cable. It also has another blown tire.

Purchase of F550 to Replace 2012 International

Supt. Metz reached out to the following Ford truck dealers for quotes on an F550:

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Basil Ford – gave a base price for just the 2023 chassis of \$68,280 (they do not have this vehicle in stock – Valley Fab would charge \$55,000 for the equipment making the total cost \$123,280)

Delacy Ford – no trucks available

Genesee Valley Motors – no trucks available but stated that new truck would be \$6,000-\$7,000 more than Allstate Ford of Youngstown quote

Ford Beans Ford Doylestown – no trucks available

Henderson Equipment Rochester – no trucks available

Chapman Ford of Horsham – no trucks available

Allstate Ford of Youngstown, LLC - \$117,935.00 per quote received from Allstate Ford of Youngstown LLC, 3680 LeHarms Rd., Youngstown, OH 44515

The Town Board and Highway Superintendent had a lengthy discussion to ensure that all efforts were made to obtain quotes from several dealers. When asked why Chevy trucks were not considered, Supt. Metz replied that he didn't like the way the trucks were configured. He added that he does not like Dodge transmissions. There was a discussion on budget concerns as the Town only budgeted \$80,000 for the purchase of this truck. Supt. Metz replied that he will try to sell the backhoe, the 2012 International and other equipment to make up the difference. The Town Board and the Town Attorney David DiMatteo noted that it is important to document the names of the dealers contacted and their responses.

Authorization to Purchase a 2022 F-550 Truck

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the purchase of a 2022 F-550 Ford truck, 6.7L diesel, red color, with 9' stainless dump central, stainless coal chute, western wide-out XL upgrade, poly fenders, asphalt tarp at a cost of \$117,935.00 from Allstate Ford of Youngstown, LLC, 3680 LeHarms Rd., Youngstown, OH 44516. Quote submitted to the Town Clerk at tonight's meeting.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Supervisor's Report

Supervisor Brian Becker reported on the following:

Proposed Legislation – Foreclosure Properties

Governor Hochul has proposed legislation that would limit the amount of money the County would keep when selling foreclosed properties. This legislation would permit the County to only keep the funds that would cover what was owed to the County – the remaining funds would be given to the property owner's creditors or to the property owner. In the most recent tax foreclosure auction, Wyoming County sold 17 properties of which only 1 property sold below what was owed to the County. The County gained \$216,000 in revenue at that auction.

County Budget – Non-Budgeted Costs

The County had \$1.15 million in the budget to cover non-budgeted items. In 2022 the County spent \$2 million – going over by over \$800,000. Supervisor Becker read through a list of some of the items at the County level that resulted in this overage. One that is mandated by NYS is the

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increase to pay council at first appearance hearings. Council pay was increased from \$60/hr to \$119/hr.

Dept. of Motor Vehicles – Fees

The County used to receive 12.7% of the fees for in-person transactions and 2% of online transactions. The DMV will be lowering the percentage for in-person transactions but increasing the percentage for online transactions which should be a benefit to the County's revenue stream.

Spectrum Franchise Fee

The Town received \$24,561.63 in franchise fees for 2022 which is a \$2,300 increase from last year. The Town Board asked the Town Clerk to reach out to our Spectrum government representative to request a list of addresses associated with the collection of fees. The Board would also like an update on broadband expansion.

Town Representative to County Planning Board

The Board of Supervisors approved Councilman Fontaine's appointment to the Wyoming County Planning Board.

Village of Perry - \$10 million in Funding

The Village of Perry received \$10 million in funding from NYS for downtown revitalization efforts.

Acceptance of Reports

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

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Old Business:

Presentation – Board of Election Commissioners

Wyoming County Board of Election Commissioners Jim Schlick and Hank Bush were present at tonight's meeting to discuss the polling site location in the Town of Sheldon. The Board of Elections has been using the St. John Neumann Parish church hall as the polling site in the Town of Sheldon for the past several years. The Church is now asking for a fee of \$125 per use. Mr. Schlick expressed the Board of Elections concern that no other polling site in the County receives payment for the use of their premises. Mr. Schlick wants to avoid having other locations ask for payment as well. Mr. Schlick and Mr. Bush proposed that the Town Hall could serve as a polling site again. There was some discussion as to the issue with accessibility in using the Town Hall as well as concerns with space. Supervisor Becker noted that the other sixteen polling sites in the County are tax-payer funded properties and suggested that if other properties ask for payment that Mr. Schlick and Mr. Bush simply reply no. Mr. Schlick explained that if a facility is tax-exempt they are supposed to open up their property as a polling site. Supervisor Becker noted that he had suggested the Church hold a fundraiser on election day

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(bake sale, food sale, etc...) There was also a lengthy discussion on why the Sheldon Fire Department refused to offer their fire hall. Supervisor Becker explained the fire department's position that their trucks have water in them and in November it could possibly freeze. Supervisor Becker had offered his bus garage to store the fire trucks on election days, however, there was concern that this would create a longer distance for fire response if required. Supervisor Becker explained the various steps he has taken to assist the Board of Elections. Mr. Schlick replied that if a fire company gets federal money then they can't refuse. Mr. Schlick offered to speak with the priest at St. John Neumann to see if the fee can be waived. The Town Board was in agreement that Mr. Schlick should reach out to the priest. Supervisor Becker stated that the best polling site location in the Town would be the church hall. Mr. Schlick will let Supervisor Becker know how the meeting with the priest goes. At 8:07 p.m. Mr. Schlick and Mr. Bush left the meeting.

Open Public Hearing – Brian Eddy Storage Facility Special Use Permit

A motion was made by Jim Fontaine and seconded by Vince Kirsch to close the public hearing on the special use permit application submitted by Brian Eddy to construct a self storage facility at the intersection of Route 20A and Route 77.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Approval of Special Use Permit – Brian Eddy Storage Facility

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the special use permit by Brian Eddy to construct a self storage facility at the intersection of Route 20A and Route 77.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

ARPA Funding

Nothing new to report.

Court Phones

Supervisor Becker asked Court Clerk Donna Almeter if the court is ready to switch their phone service from Spectrum to Verizon. They will discuss the issue at a later date.

Spectrum Update

The bill discrepancy seems to have been rectified but the Town Bookkeeper and Town Clerk would like to review another monthly bill to confirm.

Varysburg Water

Supervisor Becker reported that the chlorine was low so Thane Wright cleaned everything out. The Wyoming County Dept. of Health conducted testing across the District but were testing filtered water. Supervisor Becker noted that the best places to test for water in the District is West Service Station and the Dollar General bathroom. Everything is working fine now with the chlorinator.

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Update to Fire District Maps

Supervisor Becker turned to Attorney David DiMatteo to update the Board on the fire district map update. Attorney DiMatteo stated that the Town will need to hold a couple of public hearings before adopting the new maps. Fire districts with boards of commissioners (North Java and Varysburg) will need to hold their own public hearings. Mr. DiMatteo has reached out to Attorney Mark Butler who represents several of the fire companies and districts. Mr. DiMatteo projects that the resolutions will be ready for the Town Board's March meeting and the public hearings will be held in April.

Attorney DiMatteo and Supervisor Becker will reach out to the fire chiefs to get their final sign off on the maps.

Zoning Violation – Dennis Mills

Attorney DiMatteo read the decision by Justice Kibler on the Mills matter. Justice Kibler has given the authority to the County Codes office to conduct an on-property inspection of Mr. Mills' property.

NYMIR Inspection/Historical Building Requests

Councilman Fontaine will attend the Historical Society meeting tomorrow night to discuss the porch and roof repairs as well as the removal of the slide and swings.

Audit of Town Books

Don Przybyl was at the town hall today and will be back tomorrow to finish the audit of town financial records.

2023 County Zoning Rates

Supervisor Becker distributed the County resolution regarding 2023 zoning rates.

A motion was made by Vince Kirsch and seconded by Jim Fontaine to table discussion of the 2023 county zoning rates.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Attorney Agreement with David DiMatteo

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to sign the attorney agreement with the Law Office of David DiMatteo.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Senior Tax Exemptions – 2nd Notice

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to sign the agreement with Wyoming County Real Property Services requesting that Wyoming County RPTS produce the 2023 second senior exemption notice at a cost of \$.46 per parcel half of which will be billed back to the Town (\$.23) per parcel plus a set-up fee of \$20.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

New Business:

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Invenergy Tax Payment

A motion was made by Vince Kirsch and seconded by Jim Fontaine to acknowledge that Invenergy mistakenly auto deposited their tax payment to the Town General Fund instead of the Town Tax Collector account thereby requiring the Town Bookkeeper to write a check out of the General Fund to pay the Town Tax Collector.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust 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 Jim Fontaine that the

General Bills #22 to #43 for a Total of \$125,925.93, the

Highway Bills #11 to #28 for a Total of \$30,812.44, the

Lighting District Bills #2 to #2 for a Total of \$556.28, the

Harris Corners Fire Protection Bill #1 for a Total of \$33,097.92, the

Strykersville/Harris Corners Ambulance Bill #2 for a Total of \$1,050.00, the

Sheldon Fire Protection Bill #3 for a Total of \$126,990.44, the

Strykersville Fire Protection Bill #4 for a Total of \$51,819.00, the

Java Fire Protection Bill #5 for a Total of \$16,719.25, the

Varysburg Fire District Bill #6 for a Total of \$32,699.17, the

Trust & Agency Bills #3 to #3 for a Total of \$229.00, and the

Varysburg Water District Bills #7 to #10 for a Total of \$942.85 be paid.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Comments from the Floor

At 8:45 p.m. Supervisor Becker opened the floor to comments.

Internet Issues at County Offices

Court Clerk Donna Almeter was present at tonight's meeting and made the Board aware of an issue with the Wyoming County Sheriff's Office uploading tickets. The County has been having phone and internet issues and the Town of Sheldon court is not receiving uploaded tickets from the County. Ms. Almeter is asking those who appear for court to produce their tickets so she can confirm if she has received the copy from the Sheriff's office. Ms. Almeter noticed the issue beginning January 23, 2023. Supervisor Becker will look into the issue with the Sheriff.

Highway Advocacy Day in Albany

Hwy. Supt. Metz notified the Board that he will be participating in highway advocacy day in Albany on March 7, 2023. This will require a hotel stay.

Enter into Executive Session with Town Assessor

At 8:50 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to enter into Executive Session with Town Assessor Mary Kern to discuss assessment issues and concerns that should not be made public due to discussion involving other Wyoming County towns.

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The Town Clerk asked to be excused from the Executive Session.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

At 9:00 p.m. the Town Clerk returned to the meeting.

Exit Executive Session with Town Assessor

At 9:00 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to exit Executive Session.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Postponement of Revaluation for the Town of Sheldon

A motion was made by Vince Kirsch and seconded by Jim Fontaine to cancel the spring 2023 revaluation in the Town of Sheldon due to market volatility and to reevaluate at the end of 2023.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried

Adjournment

At 9:05 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the February 15, 2023 regular meeting of the Sheldon Town Board.

Ayes: (3) Becker, Fontaine, Kirsch Absent: (2) Meyer, Armbrust Nays: (0) Motion Carried