

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
Public Hearing – Special Use Permit
January 20, 2021**

The Regular Meeting of the Sheldon Town Board held January 20, 2021 at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145 and also held via Zoom teleconference was called to order by Town Supervisor Brian Becker at 7:30 p.m. The meeting took place at the Sheldon Town Hall and via Zoom teleconference due to the COVID-19 pandemic.

Present: Supervisor Brian Becker (in-person)
Councilmen: Mike Armbrust (in-person), Vince Kirsch (via Zoom), Joe Meyer (via Zoom), Jim Fontaine (via Zoom)
Recording Secretary: Town Clerk Carol Zittel (via Zoom)
Absent: Highway Superintendent Dave Ricketson
Also present: DeAnna Hyche, Development Manager The Broadway Group LLC joined the meeting via Zoom at 7:45 p.m.

Minutes

A motion was made by Vince Kirsch and seconded by Joe Meyer that the minutes from the December 16, 2020 regular meeting be approved.

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

Communications

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

Filing of Local Law 4-2020 with Dept. of State

Notification from the NYS Department of State was received that Local Law 4-2020 Overriding the Tax Levy has been filed.

Liquor License Renewal Notification – Route 78 Pub

A motion was made by Mike Armbrust and seconded by Joe Meyer to accept without objection the notification from Thea Herrmann, owner of Route 78 Pub, of her intent to apply for a liquor license renewal.

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

Officer & Report List – Harris Corners Fire & Strykersville Fire

Harris Corners Fire Department and Strykersville Fire Department submitted their 2020 financial reports and their 2021 list of officers.

Association of Towns – Virtual Conference

The Association of Towns will be holding a virtual conference this year due to the COVID-19 pandemic. Cost is \$100/member.

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Reports

The Town Supervisor financial reports, cash flow reports, fund balance report, 2020 highway payroll report, 2020 energy report, Town Clerk December report, Town Clerk annual report and Town Justice December reports were distributed prior to the meeting via email.

Highway Superintendent Report

Supt. Ricketson was unable to attend the meeting. He submitted a text report to Supervisor Becker:

2009 Peterbilt Sold

The 2009 Peterbilt truck was sold to Rensselaer County in the amount of \$29,900.00.

New Western Star Arrival

The new Western Star plow truck arrived on January 15, 2021, exactly one year from the date it was ordered.

Supervisor's Report

Teamster's Highway Contract

The highway contract has been approved and signed. Supervisor Becker and Councilman Kirsch commended Wyoming County Human Resources Director, Dan Farberman, for his help in negotiating the contract on the Town's behalf.

Councilman Fontaine had a question about voucher payments to highway employees for quarterly sick pay. Councilman Kirsch responded that this is a bonus included in the highway contract. The Town Clerk will email the new contract to board members for their review.

Workplace Violence & Sexual Harassment Training

Supervisor Becker has reached out to Dan Farberman about offering training to our Town employees regarding workplace violence and sexual harassment policies.

County Chairwoman

Supervisor Becky Ryan took over the position of Chairwoman of the Wyoming County Board of Supervisors in August/September. Things are going well.

New Director of Real Property Services

A new Wyoming Director of Real Property Services has been hired and things are going well.

Garbage User Fee

Supervisor Becker has been made aware of certain properties in Sheldon only paying a partial garbage user fee. He may ask the Board for assistance in correcting any errors in these charges.

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Acceptance of Reports

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

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

Old Business

Open Public Hearing – Special Use Permit – The Broadway Group

At 7:48 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to open the public hearing for the special use permit application submitted by The Broadway Group to open a commercial retail store on Route 78 in Strykersville.

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

DeAnna Hyche gave a brief review of the application. The Broadway Group will be constructing a 9100 sq. ft. store with a redemption pond on Route 78. Hours of the store will be 7 a.m. to 10:00 p.m. Lighting will be on for one hour after the store closes. Only one light will stay on 24 hours in the vestibule. The one light in the parking lot will be shielded down so as not to point outside of the store boundary lines. At the store's busiest times they expect 6-8 customers in an hour. Average stay is approximately 10 minutes.

Speed Zone Concerns with New Store

Councilman Armbrust expressed concern with the speed limit in the area of the new store. Ms. Hyche responded that she has already expressed the Town's concerns with the NYS DOT contact. Ms. Hyche will forward the DOT contact info to the Town Clerk.

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Supervisor to send a request to the NYSDOT and to the Wyoming County Traffic and Safety Board regarding extending the 35 mph zone into the 55 mph zone.

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

Close Public Hearing – Special Use Permit – The Broadway Group

At 8:00 p.m. a motion was made by Mike Armbrust and seconded by Jim Fontaine to close the public hearing for the special use permit application submitted by The Broadway Group to open a commercial retail store on Route 78 in Strykersville.

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

Approval of Special Use Permit – The Broadway Group

At 8:00 p.m. a motion was made by Mike Armbrust and seconded by Jim Fontaine to approve the special use permit application submitted by The Broadway Group to open a commercial retail store on Route 78 in Strykersville.

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

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Appoint BAR Member

Supervisor Becker informed the Board that the resident contacted as a potential BAR member has gratefully declined the offer. Supervisor Becker will go back to his original list and keep the Board informed of any potential members.

New Business

Senior Group Funding

Supervisor Becker and Katie have the amounts spent by the groups in 2020 and will calculate what the groups will receive in 2021.

Williamson Law Software Renewal – Tax Collector

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the renewal of the Williamson Law Software renewal for the tax collector at a rate of \$393/year. (same as 2020)

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

Animal Control Contract with Wyoming County

A motion was made by Joe Meyer and seconded by Vince Kirsch to approve the 1/1/21 – 12/31/2025 contract with Wyoming County for animal control services.

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

The Town Clerk explained that most of the dog license fees collected go to the Wyoming County Animal shelter to cover the cost to run the shelter. After calculating for the cost of postage, paper, ink and tags, the Town breaks even or makes a slight profit on dog licensing.

Certificates of Deposit

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the Town Supervisor to deposit \$500,000.00 in a 3-month CD and \$200,000.00 in a 1-month CD with the bank offering the highest rate of return.

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

Attorney Agreement with David DiMatteo

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Town Supervisor to sign the 2021 attorney retainer letter with DiMatteo & Roach Attorneys at Law.

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

Hiring of Auditor – Town Books 2020

Supervisor Becker will reach out to Don Przybl to check his availability to audit the Town's 2020 books.

Judicial Consolidation with Town of Wethersfield

No updates. Another committee meeting will be held in February.

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Budget Transfers

A motion was made by Vince Kirsch and seconded by Jim Fontaine to approve the following budget transfers:

GENERAL FUND

- Transfer \$193.68 from A9010.8 State Retirement to A9030.8 Social Security
- Transfer \$117.78 from A9010.8 State Retirement to A9030.81 Medicare

HIGHWAY FUND

- Transfer \$27.16 from DA5110.1 General Repairs P/S to DA5112.1 Perm. Improvements P/S
- Transfer \$2045.72 from DA5130.1 Machinery P/S to DA5148.1 Services for Other Governments P/S
- Transfer \$284.16 from DA5140.4 Misc. brush and weeds Contractual to DA5142.1 Snow Removal P/S

VARYSBURG WATER DISTRICT

- Transfer \$189.85 from SW1-8320.4 Admin Contractual to SW1-8310.4 Source of Supply /Power/Pumping Contractual

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

Budget Appropriation

A motion was made by Mike Armbrust and seconded by Jim Fontaine to approve the following budget appropriation:

- Board Resolution to transfer \$100,000.00 from General Money Market A1083 to Highway Money Market DA1083 for January bills and payroll

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 Mike Armbrust and seconded by Jim Fontaine that the General Bills #1 to #23 for a Total of \$17,026.51, the Highway Bills #1 to #10 for a Total of \$8,575.77, the Trust & Agency Bills #1 to #3 for a Total of \$421.10, the Varysburg Water District Bills #1 to #5 for a Total of \$3,183.10, and the Lighting District Bills for a Total of \$1,031.05 be paid.

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

2021 Organizational Meeting

Town Salaries

A motion was made by Mike Armbrust and seconded by Jim Fontaine to set the salaries for Town Officials both elected and appointed as stated in the 2021 Budget as adopted:

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Town Board \$2,793.50 each, Supervisor \$7,803.00, Town Clerk \$19,791.00 (plus \$20/mt phone reimbursement), Supt. Of Highways \$57,901.00 plus \$500 per year max copay reimbursement and max \$200 per year clothing & boot allowance plus half dental, Justices (2) \$10,645.00 each, Tax Collector \$3,009.00, Carol Zittel as Registrar of Vital Statistics \$350, Carol Zittel as Marriage Officer (no salary), Carol Zittel as Records Management Officer (no salary), Donna Almeter as Deputy Town Clerk & Deputy Registrar \$13.00/hr., Kate Meyer as Second Deputy Town Clerk \$13.00/hr., Katie Chmura as Bookkeeper \$22,551.00, Jeanne Mest as Town Historian \$1,000.00, Donna Almeter as Court Clerk \$23,884.00, Wyoming County as Zoning Officer, Carolyn Mruczek as Dog Enumerator (\$1.50 per dog, plus mileage), Janet Bonner as Water Rents Receiver \$1,200, AJ Dyrbala as Certified Water Operator \$2,745, Water District Exceptional Duties \$15.00 per hour, Part-time Laborer (wing person) NYS minimum wage \$12.50/hr, Joyce Griffen as cleaner \$13.00 per hour, **Vacant** as Youth Director \$1,425.00, Kate Meyer as Secretary to Planning Board, Zoning Board of Appeals & Board of Assessment Review at \$13.00 per hour

All the afore mentioned terms of office for appointed positions, will carry over to the Organizational Meeting, if said meeting is held after December 31st of the year in which the term expires.

The per diem salary for the Planning Board is \$30, Zoning Board of Appeals is \$25 and for the Board of Assessment Review the per diem is \$60.

The phone reimbursement for the highwaymen is \$10/month

The 2021 annual salary for cemetery maintenance is \$200.

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

2021 Trainings

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize all appointed and elected officials to attend, at town expense, applicable trainings in 2021.

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

Deputy Supervisor and Deputy Highway Superintendent

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint:

Mike Armbrust as Deputy Supervisor and

John Herrmann as Deputy Highway Superintendent

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

Depository Banks

A motion was made by Vince Kirsch and seconded by Joe Meyer to name as depository bank, the Five Star Bank, Bank of Castile and Steuben Trust and Green County Community Bank for General, Highway, Trust & Agency Varysburg Water District, Capital Fund, Unemployment Insurance Reserve Fund and Lighting Districts.

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

Mileage Reimbursement

A motion was made by Vince Kirsch and seconded by Joe Meyer that the Rate of mileage for town business for 2021 be set at .56 cents per mile.

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

Attorney Retainer Letter

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint David DiMatteo as the Town Attorney on an as needed basis, as outlined in the Attorney retainer letter and to authorize the Town Supervisor to sign the retainer letter.

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

Board Appointments

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint the following people to designated Boards and positions for the terms listed after each name:

Zoning Board of Appeals: Ken Beglinger – 5 year term 1/01/21-12/31/2025

Youth Recreation Board: Mary Kehl - 5 year term 01/01/21-12/31/2025

Planning Board: Deb Kirsch – 5 year term 1/01/21-12/31/2025

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

2021 Town Board Meetings

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Regular Board Meeting be the third Wednesday of the month at 7:30 PM at the Sheldon Town Hall and to continue offering a Zoom option during the COVID pandemic.

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

Highway Purchases - Equipment

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Highway Superintendent be allowed to spend an amount not exceeding **\$3,000.00** on the repair and maintenance of an individual piece of inventoried town equipment, without the Boards prior approval.

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

Highway Purchases – Small Tools

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Highway Supt. is authorized to purchase, without the Town Boards prior approval, small tools in an amount not to exceed **\$1,999.00** per purchase. Any purchase of an individual piece of equipment in excess of

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\$2,000.00 shall be deemed a capital purchase, all of which shall be subject to Town Board approval.

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

Procurement Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Town Board adopt the same Procurement Policy as was used in 2020 for the year 2021.

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

Investment Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Town Board adopt the same Investment Policy that was used in 2020 for the year 2021.

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

Fund Balance Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Town Board adopt the same Fund Balance Policy that was used in 2020 for the year 2021. First adopted September 19, 2018.

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

Town Policies

A motion was made by Mike Armbrust and seconded by Jim Fontaine that the Town Board adopt the Internet, email & computer use policy, discrimination & harassment policy, credit card use policy, code of ethics, emergency plan and workplace violence policies that were adopted in March 2014 and the sexual harassment policy originally adopted October 2018.

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

Scrap Metal Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine to adopt the scrap metal policy that was first adopted March 2011.

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

Town Hall Use Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine to adopt the town hall use agreement that was first adopted on January 18, 2017.

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

Travel & Training Policy

A motion was made by Mike Armbrust and seconded by Jim Fontaine to adopt the travel and training policy that was first adopted on January 18, 2017.

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

Official Newspaper

A motion was made by Mike Armbrust and seconded by Jim Fontaine to designate the Batavia Daily as the Official Newspaper for 2021.

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

Committees Assignments

20.) A motion was made by Mike Armbrust and seconded by Jim Fontaine to appoint the following committees:

Street Lighting: Mike Armbrust & Joe Meyer

Building: Mike Armbrust, Vince Kirsch

Labor: Dan Farberman, Wyo Cty HR Dir, Vince Kirsch & Brian Becker

Highway: Entire Board

Planning/Zoning: Mike Armbrust & Jim Fontaine

Park Committee: Joe Meyer

Assessment Committee: Vince Kirsch & Jim Fontaine

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

Comments from the Floor

At 8:25 p.m. Supervisor Becker opened the floor to comments.

LED Street Lighting

Councilman Fontaine asked if there was an update to the LED street lighting upgrade.

Supervisor Becker and Town Clerk Zittel responded that they have not heard anything from NYSEG. The Town Clerk offered to email the NYSEG contact.

Adjournment

At 8:30 p.m. a motion was made by Vince Kirsch and seconded by Mike Armbrust to adjourn the January 20, 2021 meeting of the Sheldon Town Board.

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

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