

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

The Regular Meeting of the Sheldon Town Board held January 18, 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, Joe Meyer, Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
Absent: Councilman Mike Armbrust (Councilman Armbrust joined by audio but did not participate in voting)
Also present: Highway Superintendent Luke Metz, Warsaw Courier Reporter Maya Borer, Wyoming County GIS Coordinator Joanna Craigmile

Open Public Hearing – Breezy Hill Farm Special Use Permit

At 7:03 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing on the special use permit application submitted by Breezy Hill Farm to erect farm worker housing.

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

Minutes

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

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

Communications

The Town Clerk Carol Zittel reported on the following:

NYS Association of Towns Legislative Program

The NYS Association of Towns legislative program was distributed to the Board.

Harris Corners List of Officers and Financial Report

Harris Corners Fire Department submitted their list of 2023 officers and 2022 financial report.

One Day Officiant Licenses

Governor Hochul signed into law new legislation pertaining to one day officiant licenses that Town Clerks will now be responsible for issuing. The new legislation goes into effect on March 28, 2023. More information will be forthcoming.

Dennis Mills Zoning Violations

Communications from Mr. Mills to the Town Attorney were distributed prior to the meeting.

WYOMING COUNTY ZONING MONTHLY REPORT

Date: January 3, 2023 – Report for December 2022

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

Town: Sheldon

Open Projects: None this month

Permits Issued:

December: 1 permit:

- Dennis Mills II (2113 Route 20A) – zoning permit issued for a 16' x 36' pole barn
- Breezy hill Dairy, LLC (2705 N. Sheldon Rd.) - zoning permit issued for a 3,840 sq. ft. home.

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.

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

Fire District Map Update

Joanna Craigmile, Wyoming County GIS Coordinator, was present at tonight's meeting to present revised fire district maps. Ms. Craigmile met with the fire company chiefs from the Strykersville, Harris Corners, Sheldon, North Java and Varysburg fire companies on January 3, 2023 at the Sheldon Town Hall. The chiefs agreed on the fire district tax designations to parcels within the Town of Sheldon as presented on the maps tonight. The Town Clerk will contact the Town Attorney for guidance on the next steps and the process to schedule and advertise public hearings. Ms. Craigmile left the meeting after her presentation.

Highway Superintendent Report

Superintendent Luke Metz reported on the following:

Assistance to the Town of Bennington

The Sheldon Highway department assisted the Town of Bennington with preparation of roads.

Preparing for Spring Highway Work

The Sheldon Highway department has been preparing for spring work.

Red International Electrical Issues

The red International truck has been having electrical issues.

Sander

The sander has been having mechanical issues.

New Mid-Size and Pick Up Truck

The Superintendent has not had any luck in purchasing a new pickup or mid-sized truck. A Dodge Ram may be available in 6-8 weeks. Chevy and Ford is waiting until state bid pricing to become available.

Highway Bay Outside Lighting

The lights have been installed outside the highway bays and the salt building. The Town Supervisor and Highway Superintendent are happy with the result.

Western Star Plow Truck Ordered

The Western Star plow has been ordered and is scheduled to arrive in April 2024.

Supervisor's Report

Supervisor Brian Becker reported on the following:

Certificates of Deposit

Supervisor Becker has received quotes for certificates of deposit from local banks and will receive one more from NYCLASS. The money will be deposited with the institution offering the highest rate of return.

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

State Mandate – Senior Citizen Property Tax Exemption Mailing

Supervisor Becker notified the Board of a directive by Governor Kathy Hochul for local governments to send a second notification to homeowners regarding the senior citizen tax exemption. Governor Hochul signed the legislation on December 23rd and the notices had to be sent within 30 days of the new tax roll being released. The cost of the mailing for the Town of Sheldon will be \$200.00.

Wyoming County Revenue Sent to the Town of Sheldon

The Wyoming County Treasurer supplied a report of moneys paid to the Town of Sheldon by the Wyoming County Treasurer in the calendar year 2022.

Mortgage Taxes: \$52,177.74

County Snow Removal: \$62,432.16

Traffic Diversion Program: \$9,600.00

TOTAL: \$124,209.90

Acceptance of Reports

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

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

Old Business:

ARPA Funding

Nothing new to report.

Spectrum Update

Billing is still incorrect. The Town Clerk's office phone has been converted to Verizon as well as the Highway Superintendent's office phone line. The Highway fax number has been cancelled from the Spectrum bill. The Town Hall fax line will be cancelled next. The court office phone will be switched to Verizon once the court is prepared to make the switch. The court office needs to make a determination on whether a fax line is needed.

Varysburg Water – Income Survey

Catherine Rees from RCAP Solutions Inc. reached out to the Town Clerk to determine if the Town is still interested in pursuing an income survey for the Varysburg Water District. Ms. Rees supplied the Town Clerk with a sample survey and a list of income survey tasks. The survey and task sheet were distributed to the Town Board. The survey could help determine if the District should be extended. The Town Board needs to consider whether the survey should be conducted ahead of or in conjunction with completing the engineering report.

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

Resolution to Work With RCAP Solutions of NY – Income Survey

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor and Town Clerk to work with RCAP Solutions of NY for a possible income survey of Varysburg Water residents.

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

NYS Dept. of Health – Water Pipe Survey

Supervisor Becker notified the Board that the NYS Dept. of Health is requesting information from public water departments on the type of pipe installed from the curb stop to the house. Supervisor Becker will get more information on what information is being requested. Supervisor Becker noted that perhaps this question could be included in the possible upcoming income survey.

Varysburg Water Tank Cleaning – Liquid Engineering Corp.

Supervisor Becker was notified by Liquid Engineering Corp. that the Varysburg water tank is on the spring schedule – slated to be cleaned in April 2023.

Close Public Hearing - Breezy Hill Special Use Permit

At 7:21 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to close the public hearing on the special use application submitted by Breezy Hill Farm for farm worker housing.

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

Approval of Breezy Hill Special Use Permit

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the special use permit for Breezy Hill Farm to erect farm worker housing as submitted to the Wyoming County Zoning & Building Department.

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

NYMIR Inspection/Historical Building

The Board discussed what to do with the slide at the Schoolhouse as NYMIR has asked the Board to have it removed. Councilman Fontaine will attend the next historical society meeting to discuss it with the society members.

Audit of Town Books

Supervisor Becker spoke with Don Przybyl regarding the upcoming audit of books. Mr. Przybyl requested that departments have their books ready for review by the first weekend of February. The Town Clerk will notify the Court office and the Town Bookkeeper.

NYSEG Power Outages Valley View Road

The Town's NYSEG government representative informed the Town that arborists were sent to Valley View and that NYSEG also corrected an issue on the line. The Town Clerk has not been contacted by any residents from Valley View since the last meeting and assumes the issues have been rectified.

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

New Business:

Williamson Law Book Company – Tax Collection Software

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the software contract with Williamson Law Book Co. for tax collection software at a cost of \$497/year.

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

Schedule Public Hearing – Brian Eddy Storage Facility (Route 77 Self Storage Units)

A motion was made by Vince Kirsch and seconded by Jim Fontaine to schedule a public hearing at 7:00 p.m. on February 15, 2023 for the special use application made by Brian Eddy to construct a self storage unit facility at the intersection of Route 20A and Route 77 in the Town of Sheldon.

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

Appointment of Town Prosecutors

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, DiMatteo & Roach Attorneys at Law have served as Prosecutor for the Town of Sheldon for many years, specifically Attorney David M. DiMatteo and Attorney David M. Roach; and

WHEREAS, the Town Board of the Town of Sheldon wish to continue to have David M. DiMatteo, David M. Roach, and Elijah H. McWhinney serve as the Town Prosecutors for the Town of Sheldon; and

WHEREAS, that the Town Board of the Town of Sheldon feels it to be in best interest of the Town of Sheldon to continue the appointments of David M. DiMatteo, David M. Roach, and Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Town; and

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

RESOLVED, that the Town Board of the Town of Sheldon feels it to be in the best interest of the Town of Sheldon to continue the appointments of David M. DiMatteo, David M. Roach, and Elijah H. McWhinney as prosecutors on behalf of DiMatteo & Roach Attorneys at Law and the Town of Sheldon.

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

2023 Organizational Meeting

Town Salaries & Wages

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

A motion was made by Jim Fontaine and seconded by Joe Meyer to set the salaries for Town Officials both elected and appointed as stated in the 2023 Budget as adopted:

Town Board \$2,992.50 each; Supervisor \$8,359.00; Town Clerk \$21,201.00(plus \$20/mt phone reimbursement); Superintendent of Highways \$62,025.00 plus \$500 per year max copay reimbursement & max \$200 per year clothing & boot allowance & \$20/mt cell phone reimbursement; Justices (2) \$11,403.00 each; Tax Collector \$3,009.00; Carol Zittel as Registrar of Vital Statistics \$375; Carol Zittel as Marriage Officer (no salary); Carol Zittel as Records Management Officer (no salary); Donna Almeter as Deputy Town Clerk & Deputy Registrar \$15.00/hr; Kate Meyer as Second Deputy Town Clerk \$15.00/hr; Katie Chmura as Bookkeeper \$24,157.00; Jeanne Mest as Town Historian \$1,250.00; Donna Almeter as Court Clerk \$25,585.00; Mary Kern as Town Assessor \$21,249.00; Wyoming County as Zoning Officer; Carolyn Mruzcek as Dog Enumerator (\$1.50 per dog, plus mileage); Janet Bonner as Water Rents Receiver \$1,200; VACANT TBD as Certified Water Operator \$2,745; Water District Exceptional Duties \$15.00 per hour; Part-time Laborer (wing person) NYS minimum wage \$14.20; Joyce Griffen as cleaner \$15.00; VACANT TBD as Youth Director \$1,425.00; Kate Meyer as Secretary to Planning Board, Zoning Board of Appeals & Board of Assessment Review at \$15.00 per hour; Peter Pilc as Sheldon representative to Wyoming County Office for the Aging (no salary)

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 2023 annual salary for cemetery maintenance is \$250.

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

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 2023.

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

Deputy Appointments

A motion was made by Joe Meyer and seconded by Jim Fontaine to appoint:

Joe Meyer as Deputy Supervisor and

John Herrmann as Deputy Highway Superintendent

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

Depository Banks

A motion was made by Joe Meyer and seconded by Jim Fontaine to name as depository bank, the Five Star Bank, Bank of Castile, Community Bank and NYCLASS for General, Highway, Trust

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

& Agency Varysburg Water District, Capital Fund, Unemployment Insurance Reserve Fund and Lighting Districts.

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

Mileage Reimbursement

A motion was made by Joe Meyer and seconded by Jim Fontaine that the rate of mileage for town business for 2023 be set at .655 cents per mile.

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

Board Appointments

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

Zoning Board of Appeals: Mike Pfohl – 5 year term 1/01/23-12/31/2027

Youth Recreation Board: Janet Bonner - 5 year term 01/01/23-12/31/2027

Planning Board: Mary Kehl – 5 year term 1/01/23-12/31/2027

Kathy Roberts – 5 year term 1/01/23-12/31/2027

Park Committee: Don Neamon, Dave Thornton, Janet Bonner, Darlene Janes

5 year term: 1/1/2023-12/31/2027

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

2023 Board Meeting Dates

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Regular Board Meeting be the third Wednesday of the month at 7:00 PM at the Sheldon Town Hall

Except for the following: the August meeting will be held on August 23, 2023.

Wyoming County Fair is August 12-19, 2023

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

Highway Expenditures

A motion was made by Jim Fontaine and seconded by Joe Meyer that the Highway Superintendent be allowed to spend an amount not exceeding **\$6,000.00** on the repair and maintenance of an individual piece of inventoried town equipment, without the Boards prior approval.

A motion was made by Jim Fontaine and seconded by Joe Meyer that the Highway Supt. is authorized to purchase, without the Town Boards prior approval, small tools in an amount not to exceed **\$2,499.00** per purchase. Any purchase of an individual piece of equipment in excess of **\$2,500.00** shall be deemed a capital purchase, all of which shall be subject to Town Board approval.

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

Procurement Policy

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

A motion was made by Jim Fontaine and seconded by Joe Meyer that the Town Board adopt the same Procurement Policy as was used in 2022 for the year 2023.

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

Investment Policy

A motion was made by Jim Fontaine and seconded by Joe Meyer that the Town Board adopt the same Investment Policy that was used in 2022 for the year 2023.

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

Fund Balance Policy

A motion was made by Jim Fontaine and seconded by Joe Meyer that the Town Board adopt the same Fund Balance Policy that was used in 2022 for the year 2023. First adopted September 19, 2018.

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

Town Policies

A motion was made by Jim Fontaine and seconded by Joe Meyer 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: (4) Becker, Fontaine, Meyer, Kirsch Absent: (1) Armbrust Nays: (0) Motion Carried.

Scrap Metal Policy

A motion was made by Joe Meyer and seconded by Vince Kirsch to adopt the scrap metal policy that was first adopted March 2011.

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

Town Hall Use Agreement

A motion was made by Joe Meyer and seconded by Vince Kirsch to adopt the town hall use agreement that was first adopted on January 18, 2017.

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

Travel & Training Policy

A motion was made by Joe Meyer and seconded by Vince Kirsch to adopt the travel and training policy that was first adopted on January 18, 2017.

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

Official Newspaper

A motion was made by Joe Meyer and seconded by Vince Kirsch to designate the Batavia Daily as the Official Newspaper for 2023.

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

2023 Committee Assignments:

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
JANUARY 18, 2023**

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

Street Lighting: Mike Armbrust & Joe Meyer

Building: Mike Armbrust, Vince Kirsch

Labor: Dan Farberman Wyoming 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: (4) Becker, Fontaine, Meyer, Kirsch 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 Vince Kirsch and seconded by Joe Meyer that the

General Bills #1 to #21 for a Total of \$12,047.75, the

Highway Bills #1 to #10 for a Total of \$17,638.19, the

Lighting District Bills #1 to #1 for a Total of \$541.54, the

Trust & Agency Bills #1 to #2 for a Total of \$262.24, and the

Varysburg Water District Bills #1 to #6 for a Total of \$2,356.53 be paid.

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

Comments from the Floor

At 7:52 p.m. the floor was opened to comments. The Board commended the new Highway Superintendent on a job well done.

Adjournment

At 7:54 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the January 18, 2023 meeting of the Sheldon Town Board.

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