

**REGULAR MEETING
SHELDON TOWN BOARD
June 16, 2021**

The Regular Meeting of the Sheldon Town Board held June 16, 2021 at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145 was called to order by Town Supervisor Brian Becker at 7:30 p.m. A zoom meeting was not held as the COVID-19 restrictions for NYS have been lifted per Governor Andrew Cuomo and no residents requested Zoom log-in.

Present: Supervisor Brian Becker
Councilmen: Mike Armbrust, Joe Meyer, Vince Kirsch, Jim Fontaine
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Dave Ricketson, Zoning Officer Jenna Marley, resident Savannah Kissell, resident Deanne Siemer

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the May 19, 2021 regular meeting be approved.

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

Communications

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

Noise Complaints

The Town Clerk notified the Board of noise complaints received about a property on Bloecher Road. The Town Supervisor will speak to Sheriff Rudolph about the issue.

Solicitor Permit – Do Not Knock Request

The Town Clerk has received two requests for solicitor permits. The first request did not follow up after the Town Clerk emailed the process for obtaining a permit. The second request is pending as the Town Clerk has not received a letter from the salesperson's company on company letterhead. The Town Clerk notified the Board that she is uncomfortable issuing these permits as it is her feeling that residents do not want unsolicited salespeople going door to door in the Town. She is also concerned that residents may feel pressured or may be taken advantage of by door-to-door salespeople. After reaching out to the Town Attorney, the Town Clerk received a draft copy of an amended solicitation law that would allow a "do not knock" registry that the Town Clerk could keep on file. The Town Supervisor was agreeable to such a policy. Vendors that violated the policy would be fined and permits revoked. The remaining Town Board members did not feel this would be enforceable and were not interested in pursuing the matter further this evening. If in the meantime, vendors apply for permits, the Town Clerk will issue them as outlined in the Town solicitation law.

Town of Wethersfield/Charter Communications Notification

The Town of Wethersfield sent notification via certified mail that they are considering a proposal by Spectrum Northeast LLC, to provide cable television to the Town of Wethersfield. The letter states: "In order to satisfy the requirements of the Alternative Franchising Procedure of the Public Service Commission, the Town must notify all contiguous municipalities of its intention

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to grant a franchise pursuant to the Alternative Franchising Procedure if authorized to do so by the Commission.”

Table Discussion – Do Not Knock Registry

A motion was made by Vince Kirsch and seconded by Jim Fontaine to table discussion of a do not knock registry.

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

Reports

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

Highway Superintendent Report

Superintendent David Ricketson reported on the following:

Shared Services with Other Highway Departments

The Town has been busy working with other Towns (Bennington, Java, Aurora, Holland) on various road projects. Sealing of roads is slated to take place June 28 and June 29, weather permitting. The Town of Orangeville will be paving Centerline east of 98 (week after July 4th). So as not to leave a small portion of the Sheldon portion of Centerline not paved, the approximately 198 feet of the Sheldon portion of the road will be paved. Approximate cost \$3,600 in blacktop.

Light Pole at Route 77 & Route 20A

Councilman Meyer asked the Highway Superintendent if he knew anything about the light pole at Route 77 and Route 20A that needs replacing. The Highway Superintendent was not aware of why the pole is being replaced.

Highway Superintendent Ricketson reminded the Board of his upcoming knee replacement and then departed the meeting.

Supervisor’s Report

Supervisor Brian Becker reported on the following:

Resignation of AJ Dyrbala – Varysburg Water Operator

AJ Dyrbala resigned from his position as the Water Operator for the Varysburg Water District. His resignation comes after a resident called 911 for a water leak in the middle of the night. The Varysburg Fire Department responded and contacted AJ at 2:30am to turn off the water at the residence. Due to the lack of records for the portion of water pipe involved, it took hours to shut the water valve off. Supervisor Becker has been filling in to make sure the water district is running well. Last week the chlorine levels were very low. Brian Krawczyk, from the Village of Attica, assisted Supervisor Becker with replacing the chlorinator. Mr. Krawczyk was able to find parts to get the extra chlorinator up and running. Supervisor Becker is taking care of Dig

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Safely requests. Thane Wright, Varysburg resident and Water Board member, has offered to take the necessary water training courses to serve as a back-up water operator when needed. Mr. Wright is not interested in becoming the permanent Water Operator, however. Andy Meyer, from the Wyoming County Health Department, has sent training information to Supervisor Becker.

Varysburg Water Repairs

The start motor switch has been fixed by HMR Inc. out of Batavia, NY.

County Fee for Large Scale Solar

Supervisor Becker notified the Board that Wyoming County will be instituting a fee for large scale solar projects.

Revenue Sharing Check

The Town received a revenue sharing check from the County in the amount of \$2,378.60. This check represents a portion of fees collected by the Wyoming County Clerk.

Acceptance of Reports

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

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

Old Business:

Judicial Consolidation with the Town of Wethersfield

Supervisor Becker reported from the Town Attorney that it does not look promising that the court consolidation would be accepted by the NYS Assembly. The Town of Perry recently requested a loosening of requirements for residency requirements for various Town boards and did not receive Assembly sponsorship from Assemblyman DiPietro. It is presumed that the court consolidation would meet with a similar obstacle in getting Assembly approval.

Varysburg Water – Re-Pipe of Rotted Pipe

Supervisor Becker reached out to several companies to obtain a quote to replace rotted piping at the pump house. Allied Mechanical only work on HVAC and heating. MJ Mechanical was contacted with no response. Dansforth responded that they would send a quote but one was not received. Aurora Plumbing was contacted and said they would call back but no call was received.

A motion was made by Vince Kirsch and seconded by Mike Armbrust to accept the quote from HMR Inc., Batavia, NY, Joseph Heiderman, President, in the amount of \$9,925.00 per proposal #P-254 dated 5/14/21 to replace rotted pipe in the Varysburg Pump House with L copper.

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

Open Public Hearing – Savannah Kissel Special Use Permit – Event Venue

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At 8:03 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for the special use permit application submitted by Savannah Kissell, 2760 Maxon Road, to open an event venue in an existing barn at her residence.

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

Open Public Hearing – Community Development Block Grant (CDBG) Application

At 8:04 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to open the public hearing regarding the Town submitting an application for a Community Development Block Grant.

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

Kissell – Special Use Application

Ms. Kissell would like to open an event venue at her residence at 2760 Maxon Rd., Varysburg, NY 14167. The events would take place in an existing barn on her property. The Town Planning Board has reviewed the application and the site plan and forwarded it to the County Planning Board for their comments. Comments from the County Planning Board were received and reviewed by the Town Planning Board. The Town Planning Board has recommended approval of the permit and sent it to the Town Board for their review. A notice of public hearing was published in the Batavia Daily Newspaper and posted on the Town website. In addition, Ms. Kissell distributed a notice of the public hearing to a list of neighbors within 1,000 feet of her property. Ms. Kissell submitted the notice signed by her neighbors to the Town Clerk. The Wyoming County Planning Board reviewed the application and site plan and made the following comments:

- The Town should consider setting hours of operation
- The Town should require all SPEDES permits be applied for prior to issuance
- All required ADA parking spaces should be noted on the site plan
- All required lighting should be noted on the site plan for the parking lot

The Town Board asked several questions of Ms. Kissel and Supervisor Becker noted that many of the issues brought up will be addressed during the County Building Codes application process.

Close Public Hearing – Savannah Kissel Special Use Permit – Event Venue

At 8:32 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to close the public hearing on the Savannah Kissel special use permit application.

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

Approval of Savannah Kissel Special Use Permit with Stipulations

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the special use permit application of Savannah Kissel to open an event venue in the existing barn at her residence, 2760 Maxon Rd., Varysburg, NY 14167 with the following stipulations:

- All Wyoming County Building Codes and SPEDES permits will be applied for
- Capacity will be less than 299 people (Ms. Kissel has set a limit of 200 people)
- Days and hours of operation will be (7) seven days a week 11:00am-11:00pm

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- Safety lighting must be installed along the roadway/driveway entryway
- Event in progress signs should be posted on Maxon Road on days of events

Discussion - Community Development Block Grant (CDBG) Application

Supervisor Becker explained the need to apply for a Community Development Block Grant. The Varysburg Water District still has old pipes from the 1960's - 1980's throughout a portion of the District. These pipes need to be replaced as frequent water breaks/leaks are occurring. The pipes running from the Pump House to the end of the district on Route 98 are the pipes that need to be replaced. Public hearing notices for tonight's meeting were posted in three public places, on the Town website and in the Batavia Daily legal ad section.

Schedule Public Hearing – Ashley Howe Farmcraft Brewery Special Use Permit Application

A motion was made by Mike Armbrust and seconded by Vince Kirsch to schedule a public hearing for the Special Use Permit Application submitted by Ashley Howe, Farmcraft Brewery, Route 20A, Strykersville, NY for Wednesday, July 21, 2021 at 7:30 p.m. at the Sheldon Town Hall.

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

Close Public Hearing – Community Development Block Grant (CDBG) Application

At 8:45 p.m. a motion was made by Mike Armbrust and seconded by Joe Meyer to close the public hearing on the Community Development Block Grant Application.

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

Approval for the Town of Sheldon to Pursue a CDBG Grant

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the Town Supervisor to pursue a CDBG for the Town of Sheldon.

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

Committal of 5% Cash Match for CDBG Grant

A motion was made by Jim Fontaine and seconded by Mike Armbrust to commit to a 5% cash match (up to \$2,500.00) from the Town of Sheldon if awarded a Community Development Block Grant (max grant \$50,000.00).

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

Adoption of Town of Sheldon Civil Rights, Equal Employment Opportunity and Section 3 Policy

A motion was made by Vince Kirsch and seconded by Joe Meyer to adopt the following Civil Rights, Equal Employment Opportunity and Section 3 Policy

The Town of Sheldon created and adopted this Civil Rights Policy to conform to standards set forth by NYS Homes and Community Renewal, which oversees administration of the federal CDBG program.

This policy will be in compliance with the following statutes, regulations and Executive Orders:

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∂Title IV of the Civil Rights Act of 1964 (42 USC 2000d et seq. 24 CFR Part 1)
∂The National Affordable Housing Act of 1990 (42 USC 12832)
∂The Rehabilitation Act of 1973, Section 504, as amended (29 USC 794)
∂24 CFR Part 8
∂The Age Discrimination Act of 1975 (42 USC 6101 et seq.)
∂Executive Order 11246, as amended by Executive Order 11375
∂Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.), as amended by
the Fair Housing Amendments Act of 1968 [the Fair Housing Act]
∂Executive Order 11063, as amended by Executive Order 12259
∂Section 3 of the Housing and Community Development Act of 1968, as amended
(24 CFR Part 135)
∂Executive Orders 12138, 11625, 12432, as amended
∂24 CFR Part 85

In accordance with the above statutes, regulations and Executive Orders, the Town of Sheldon will adhere to the following policy in the implementation of its CDBG funded programs:

The Town of Sheldon will not exclude participation from, deny program benefits to, or discriminate in awarding program funds to any person based on race, color, national origin, religion, sex, age, sexual orientation or disability. Furthermore, the Town will take affirmative steps to accommodate the varying needs of disabled/handicapped individuals in order to afford equal access to any CDBG funded program.

With respect to employment opportunities, the Town of Sheldon will promote equal opportunity to the above groups as well as Minority and Woman Owned Business Enterprises in the procurement of goods and services required to implement a CDBG program. Furthermore, to the greatest extent feasible, the Town will promote the procurement of services to firms owned or that employ substantial numbers of low and moderate income persons, as well as firms that are located in the Town's local service area.

With respect to fair housing practices, the Town will take necessary actions to promote fair housing and prevent housing discrimination in the implementation of the Town's housing program.

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

Adoption of Town of Sheldon Fair Housing Policy Prohibiting Discrimination in Housing

A motion was made by Mike Armbrust and seconded by Jim Fontaine to adopt the Town of Sheldon Fair Housing Policy Prohibiting Discrimination in Housing

Section One

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Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

The People of the State of New York have in the New York State Constitution, Article IX, Section 2, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, be it enacted by the Town Board of the Town of Sheldon, Wyoming County, New York, as follows.

Section Two

Purpose

For the purpose of providing and ensuring fair housing opportunities for all within the jurisdiction of the Town of Sheldon, the Town Board hereby prohibits discrimination on the basis of sex, race, creed, age, familial status, color, national origin, religion, disability (physical or mental), sexual orientation, marital status, military status or victims of domestic or dating violence in the sale, rental, financing, or provision of brokerage services for housing within the jurisdiction of the Town of Sheldon.

Section Three

Lands to Which this Policy Applies

This policy shall apply to all areas within the jurisdiction of the Town of Sheldon.

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

New Business:

Appoint Interim Water Operators

A motion was made by Jim Fontaine and seconded by Joe Meyer to appoint Brian Krawczyk and Thane Wright as Interim Water Operators until a permanent replacement can be found. Pay rate will be the pay rate for exceptional duties as established at the January 2021 board meeting.

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

ZBA Member Appointment

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There is a vacancy on the Zoning Board of Appeals as Norm Kehl is not able to fulfill his duties. The Town Board will readdress this issue at the next board meeting.

Byrncliff Swim Contract

The Byrncliff swim contract for 2021 reflects an increase of \$5.00 per hour from \$25 to \$30 per hour.

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Byrncliff Swim contract for the 2021 season.

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

Budget Transfer

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the transfer of \$100,000.00 from General Money Market to Highway Money Market for bills and payroll.

Ayes: (5) Becker, Kirsch, Armbrust, Meyer, Fontaine 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 #122 to #154 for a Total of \$36,186.39, the

Highway Bills #71 to #82 for a Total of \$26,189.26, the

Trust & Agency Bills #18 to #20 for a Total of \$549.20, the

Varysburg Water District Bills #27 to #32 for a Total of \$815.07, and the

Lighting District Bills for a Total of \$418.49, be paid.

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

Comments from the Floor

Supervisor Becker opened the floor to comments.

Varysburg Park Report

Councilman Meyer spoke with Darlene Janes to get a report on the park. Ms. Janes reported that park rentals have been very busy. The all-star baseball practice will be held at the park. A resident is taking care of emptying the dog waste box.

Strykersville Garden/Mid-Town Strykersville Park

Councilman Armbrust reported that mulch was needed at the property – the Kiwanis took care of it. The bill for mulch will be in next month's bills.

Town Yard Sales

Councilman Fontaine reported that the Sheriff's Dept. may request a permit for next year's yard sales as this year's event brought in a large number of visitors. Supervisor Becker responded that he believes it was especially busy this year, as last year the event had to be cancelled due to COVID and people were especially ready to get out and participate in an event now that restrictions are lifted.

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Adjournment

At 9:11 p.m. a motion was made by Jim Fontaine and seconded by Mike Armbrust to adjourn the June 16, 2021 meeting of the Sheldon Town Board.

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