

**REGULAR MEETING  
SHELDON TOWN BOARD  
November 18, 2020**

The Regular Meeting of the Sheldon Town Board held November 18, 2020 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 (in-person), Jim Fontaine (via Zoom)  
Recording Secretary: Town Clerk Carol Zittel (via Zoom)  
Absent: Highway Superintendent Dave Ricketson  
Also present: There were no other attendees

**Minutes**

A motion was made by Vince Kirsch and seconded by Joe Meyer that the minutes from the September 15, 2020 North Java fire public hearing, the October 21, 2020 regular meeting and the November 5, 2020 budget public hearing meeting be approved.

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

**Communications**

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

No communications to report.

**Reports**

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

**Highway Superintendent Report**

Supt. Ricketson submitted a written report via email:

We have been working on some late season blacktop patching and shim work, getting ready for sealing next spring and smoothing out some rough spots.

We have plowed and sanded two times so far this fall and our equipment is in good shape and ready for winter.

I will list the 2009 Peterbilt with Auctions International, having the closing bid the night of December 15th so the Board can accept or reject any or all bids at the regular Board meeting December 16th.

I expect delivery of the new Western Star on or about December 1st.

Our Chips reimbursement was cut by 20%, leaving our 2020 Highway

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Budget short by some \$30,000. I have been trying and barring any unforeseen problems, I should be able to close that budget gap before December 31, 2020.

I will be on vacation until November 27th. The Highway Department will be in the capable hands of John Herrmann.

Have a safe and Happy Thanksgiving!!

Respectfully,

Dave Ricketson

Superintendent of Highways

**Supervisor's Report**

**NYS Department of Health – Water Tests**

There is a class action lawsuit against large chemical companies for water pollution. Varysburg Water will be billed \$600/qtr for water testing. This will come out of the water budget. Supervisor Becker and Town Bookkeeper, Katie Chmura, will work on this for next budget.

**Acceptance of Reports**

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

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

**Old Business**

**2009 Peterbilt Listed For Sale**

As noted in the Highway Superintendent's report above:

I will list the 2009 Peterbilt with Auctions International, having the closing bid the night of December 15th so the Board can accept or reject any or all bids at the regular Board meeting December 16th.

**Open Public Hearing – Local Law 4-2020 Tax Override**

At 7:36 p.m. a motion was made by Mike Armbrust and seconded by Joe Meyer to open the public hearing on Local Law 4-2020 A Proposed Local Law Entitled Override the Tax Levy Limit Established in General Municipal Law.

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

**Adopt Preliminary Budget as Final 2021 Budget**

A motion was made by Jim Fontaine and seconded by Vince Kirsch to adopt the preliminary budget as the final 2021 budget.

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

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**Dental Insurance for Highway Superintendent**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town to pay half of the expense for dental insurance (Blue Value Dental option #3) for Town Highway Superintendent Dave Ricketson at a cost of \$26.26 per month. Superintendent Ricketson will be responsible for the other half of the monthly cost.

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

**Appoint Board of Assessment Review Member**

The Town Board discussed possible board of review appointees and will re-address at their December meeting.

**Authorization of 2021-2022 Snow & Ice Agreement with Wyoming County**

There was a short discussion regarding the snow & ice agreement. Supervisor Becker gave a brief recap on County Highway Superintendent Gadd's presentation from this month's budget public hearing. Councilman Kirsch had several comments and concerns about how the rate is determined and how the Town Highway Department calculates the cost to the Town to maintain County roads during the winter months. Councilman Kirsch is concerned that if the Highway Superintendent is only recording the number of times the plows go out that this will not reflect the actual cost to the Town to plow County roads. Equipment cost, employee pay/benefits, etc...should be included in the calculation. Supervisor Becker replied that he will check with the Town Bookkeeper to determine if there are reports on highway expenditures that may shed more light on this issue.

A motion was made by Mike Armbrust and seconded by Jim Fontaine to authorize the 2021-2022 Snow & Ice Agreement with Wyoming County.

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

**New Business:**

**Senior Funding for 2020**

Due to the COVID pandemic the Town is requesting that the senior groups submit a list of their 2020 expenditures by the December regular meeting. The Town Clerk will reach out to Peter Pile and Gertie Plowe and request the reports.

A motion was made by Vince Kirsch and seconded by Mike Armbrust to request a list of expenditures for 2020 from both the Strykersville Senior Group and the Tri-Town Seniors.

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

**Permission to Pay for Western Star Truck & Plow**

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize payment for the Western Star Truck and plow equipment when the invoice is received.

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

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**Judicial Consolidation with the Town of Wethersfield**

Supervisor Becker gave a brief recap on the recent meeting of the Town’s judicial committee. Another meeting of this committee will take place and more information will be forthcoming. There may be a need to create a new judicial election district since the Town of Sheldon does not have jurisdiction over the Town of Wethersfield and the Town of Wethersfield does not have jurisdiction over the Town of Sheldon. The Town of Sheldon has approximately 2500 residents and the Town of Wethersfield has approximately 1000.

**Re-Appoint Mike Armbrust to County Planning Board**

A motion was made by Vince Kirsch and seconded by Joe Meyer to re-appoint Mike Armbrust to the County Planning Board.

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

**Court Security Agreement with Wyoming County Sheriff’s Department**

A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the Town Supervisor to sign the 2021 court security agreement with the Wyoming County Sheriff’s Department.

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

**Payment of Salt Storage BAN**

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the payment of \$60,350.00 and interest of 2.25% to pay the salt storage ban and interest to Steuben Trust when it comes due on December 4, 2020.

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

**Close Public Hearing – Local Law 4-2020 Tax Override**

At 8:17 p.m. a motion was made by Mike Armbrust and seconded by Joe Meyer to close the public hearing on Local Law 4-2020 A Proposed Local Law Entitled Override the Tax Levy Limit Established in General Municipal Law.

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

**Adoption of Local Law 4-2020 Tax Override**

**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**, pursuant to Governor Andrew Cuomo’s Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

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**WHEREAS**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” added a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**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 November 18, 2020 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.

**NOW ON MOTION OF** Joe Meyer, which has been duly seconded by Jim Fontaine, 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 to adopt Local Law No. 4 of 2020 entitled, “Override the Tax Levy Limit Established in General Municipal Law § 3-c.”; 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: All in favor

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

**LOCAL LAW ENTITLED  
“OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL  
LAW §3-c.”**

**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 override the limit on the amount of real property taxes that may be levied by the Town of Sheldon, County of Wyoming pursuant to General Municipal Law §3-c. and to allow the Town of Sheldon, County of Wyoming to adopt a town budget for (a) town

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purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

**SECTION II. AUTHORITY**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**SECTION III. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Sheldon, County of Wyoming is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**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.

**Bills:**

Supervisor Becker confirmed that the Board had a chance to review the abstracts. Councilman Fontaine questioned two bills – the bills were for NYS retirement.

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the General Bills #225 to #240 for a Total of \$30,143.56, the Highway Bills #153 to #170 for a Total of \$74,564.31, the Trust & Agency Bills #36 to #38 for a Total of \$523.66, the Varysburg Water District Bills #54 to #60 for a Total of \$12,266.72, and the Lighting District Bills for a Total of \$923.74 be paid.

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

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**Comments from the Floor**

At 8:20 p.m. Supervisor Becker opened the floor to comments.

**Zoning Issue on Factory Road**

Councilman Armbrust made the Board aware of a neighbor dispute over a pond on Factory Road. Wyoming County Building & Codes and Wyoming County Soil & Water will be contacted.

**Adjournment**

At 8:25 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to adjourn the November 18, 2020 meeting of the Sheldon Town Board.

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