

**REGULAR MEETING
SHELDON TOWN BOARD
November 17, 2021**

The Regular Meeting of the Sheldon Town Board held November 17, 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 also held.

Present: Supervisor Brian Becker (in-person)
Councilmen: Joe Meyer, Vince Kirsch, Jim Fontaine (in-person)
Mike Armbrust (via Zoom)
Recording Secretary: Town Clerk Carol Zittel (in-person)
Also present: Highway Superintendent David Ricketson (in-person)
Also present: Whitney Kehl, Deputy Town Clerk (in-person)

Minutes

A motion was made by Vince Kirsch and seconded by Joe Meyer that the minutes from the September 29, 2021 budget workshop meeting, the October 20, 2021 regular meeting, the October 21, 2021 Strykersville Fire Contract meeting and the November 3, 2021 budget public hearing meeting be approved.

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

Communications

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

Broadband Internet Survey

The Town Clerk updated the Board regarding the NYS Department of Public Service broadband survey. The notice was posted on the website and the Town Facebook page, however, response has been very low. The Town Clerk asked the Board to spread the word to residents to visit the Town website and take the survey.

Association of Towns – Newly Elected Training

A Newly Elected Official training will be held January 5-7, 2022. Cost is \$75 per person.

Reports

The Town Supervisor financial report, cash flow report, Town Clerk report and Town Justice reports were distributed.

Highway Superintendent Report

Highway Superintendent Ricketson reported on the following:

County Excavator Stored in Cold Storage

The County Highway excavator is stored in our cold storage bay.

Supervisor's Report

Supervisor Becker reported on the following:

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County CFO Position

The Wyoming County Chief Financial Officer has left the County position.

Wyoming County Community Hospital

The Emergency Room was full last week. There were two recent COVID deaths. The nursing home has lowered occupancy rates due to short staffing. The South Buffalo Mercy Hospital strike has also had an effect.

Acceptance of Reports

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

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

Old Business:

Judicial Consolidation

Supervisor Becker noted that this item will be removed from the agenda going forward. The consolidation will not proceed.

Surplus Equipment

Highway Superintendent Ricketson reported that the surplus equipment (snow blower and paver) has not been posted on Auctions International yet. Auctions International now requires that their company take the photos. They will come out the day before Thanksgiving to take the photos.

Local Law – Tax Override – Public Hearing

At 7:43 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for Local Law 1-2021 Override of the Tax Levy.

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

Supervisor Becker noted that he disagrees with the Town Attorney on the Town's need to pass this local law. Supervisor Becker believes the overall Town budget not just an individual district would have to increase by over 2% to necessitate a need for the override law. Attorney DiMatteo will look into the issue. Supervisor Becker notes that there will be no Town taxes in 2022.

Varysburg Water Update

HMR Inc. has not worked on the chlorinator yet. Deputy Supervisor Armbrust had signed the contract last month.

CDBG Community Development Block Grant

Nothing new to report.

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ARPA American Rescue Plan Act Funding

Nothing new to report. The Board needs to determine how to use the funding. Supervisor Becker reported that the County is purchasing new sheriff vehicles and that the County Highway Department is purchasing an excavator. Supervisor Becker has some emails to review on how/when we need to spend the funds and will report back next month.

Spectrum Update – Town Hall Internet

The Town Supervisor and Town Clerk met with Justin Niebel and other Spectrum representatives this week. The Town currently pays \$398/month for internet and phone service. The quote received from Justin is \$394/month and would greatly increase internet speed. The Board had a few questions that they would like forwarded to Spectrum before they approve the switch.

Strykersville Fire Contract

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the one-year contract with the Town of Java and the Strykersville Fire Department. The 2022 amount for the Town of Sheldon is \$37,550.00.

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

Sexual Harassment & Discrimination Training

The Town Highway Department employees and other Town employees are still in need of sexual harassment and discrimination prevention training. The Town Clerk emailed Supt. Ricketson information for the November webinar presented by NYMIR, however, the 5pm start time was a deterrent for the department. The Town Clerk will reach out to NYMIR to see if there are other options.

New Business:

Adoption of 2022 Preliminary Budget as the Final 2022 Budget

A motion was made by Jim Fontaine and seconded by Mike Armbrust to adopt the 2022 Preliminary Budget as the Final 2022 Budget for the Town of Sheldon.

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

Williamson Law Books – Town Clerk Software

A motion was made by Mike Armbrust and seconded by Jim Fontaine to authorize the Town Supervisor to sign the one-year contract with Williamson Law Books for the Town Clerk software at a cost of \$421/year.

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

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NYS Retirement Standard Work Day & Record of Activities for Recreation Director and Four Lifeguards

A motion was made by Jim Fontaine and seconded by Mike Armbrust to hereby establish the following standard work days for these titles and will report the officials to New York State and Local Retirement based on their record of activities:

Marissa Newell, Recreation Supervisor-PT, current term & end dates of 1/1/21-12/31/21, standard work day 6 hours, record of activities result 1.92, pay frequency biweekly

Kathryn Metzger, Lifeguard, current term & end dates of 7/1/21-8/31/21, standard work day 6 hours, record of activities result .85, pay frequency biweekly

Elizabeth Kibler, Lifeguard, current term & end dates of 7/1/21-8/31/21, standard work day 6 hours, record of activities result .70, pay frequency biweekly

Elizabeth Newell, Lifeguard, current term & end dates of 7/1/21-8/31/21, standard work day 6 hours, record of activities result .70, pay frequency biweekly

Cassidy Shafer, Lifeguard, current term & end dates of 7/1/21-8/31/21, standard work day 6 hours, record of activities result .62, pay frequency biweekly

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

Appoint Jason Kehl – Board of Assessment Review

A motion was made by Jim Fontaine and seconded by Joe Meyer to re-appoint Jason Kehl to the Town Board of Assessment Review with a term of 9/30/2021-9/30/2026.

Ayes: (5) Becker, Armbrust, Meyer, Fontaine, Kirsch 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 Mike Armbrust that the

General Bills #260 to #280 for a Total of \$9,835.02, the

Highway Bills #125 to #136 for a Total of \$174,054.86, the

Trust & Agency Bills #36 to #38 for a Total of \$549.20, and the

Varysburg Water District Bills #62 to #67 for a Total of \$11,053.29 be paid.

*Lighting District Bills – there were no lighting district bills as the billing is in the process of being transferred to Common Energy.

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

Close Public Hearing - Local Law – Tax Cap Override

At 8:10 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to close the public hearing on Local Law 1-2021 Tax Cap Override.

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

Adoption of Local Law 1-2021 entitled, “Override the Tax Levy Limit Established in General Municipal Law § 3-c.”

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

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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 17, 2021 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 Mike Armbrust, 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. 1 of 2021 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.

Ayes: 5

Nays: 0

Absent/Abstain: 0

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

Comments from the Floor

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

Whitney Kehl and the Board discussed the Strykersville Fire contract and recapped the joint meeting held with Java in October.

Adjournment

At 8:30 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the November 17, 2021 meeting of the Sheldon Town Board.

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