

**REGULAR MEETING
SHELDON TOWN BOARD
October 16, 2019**

The Regular Meeting of the Sheldon Town Board held October 16, 2019 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.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch, Joe Meyer, Mike Armbrust
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent David Ricketson, ZEO Alyssa Cutcliffe, CEO Don Roberts, Attorney David DiMatteo

A signed list of all present is on file in the Town Clerk's office.

Open Public Hearing – Windy Brew Special Use Permit

At 7:30 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to open the public hearing on the special use permit application received from Bill and Michelle Snyder, DBA Windy Brew to expand their business with the addition of a storage/fermentation building.
Ayes: (5) Becker, Kirsch, Fontaine, Meyer, Armbrust Nays: (0) Motion Carried.

Open Public Hearing – Sanfilippo Dog Kennel Special Use Permit

At 7:30 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 received from Diane Sanfilippo to erect a dog kennel.
Ayes: (5) Becker, Kirsch, Fontaine, Meyer, Armbrust Nays: (0) Motion Carried.

Minutes

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the minutes from the September 18, 2019 regular meeting and the September 25, 2019 budget workshop meeting be approved.
Ayes: (5) Becker, Kirsch, Fontaine, Meyer, Armbrust Nays: (0) Motion Carried.

Communications

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

Varysburg Fire Department 100th Anniversary

The Varysburg Fire Department sent notice that they will be celebrating the fire company's 100th anniversary in 2020. An event is planned for June 13, 2020 at the Varysburg Park.

Dog Enumeration

The dog enumeration is underway.

Reports

Financial Reports were presented for the months of September 2019 from the Town Clerk, Town Court and Town Supervisor. The cash flow and payroll reports were also presented.

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Highway Superintendent's Report

The Highway Superintendent reported on the following:

Highway Superintendent Report September 18-October 15, 2019

Sept. 19 – Hauled millings for Bennington (Woodly Rd.)

Sept. 23 – Grade outside salt barn, mowed road sides

Sept. 24 -26 – Grade and make inside salt building ready for paving

Sept. 30 – pave inside salt building with help from Java and Bennington

Oct 1 – Hauled stone to seal Woodly Rd. Bennington

Oct 2 – Sealed Woodly Rd. w/ Bennington and other spots in Town

Oct 3 – Started putting plow equipment on trucks

Oct 7 – Started grading in front of salt building for paving mixing pad

Oct 8-10 – Hauled millings for county, continue getting trucks ready for winter

Oct 15 – work on mixing pad for salt building

*Chips paperwork must be submitted by Nov. 14, 2019 for payment on the December 16, 2019 payment

Supervisor's Report

Supervisor Becker reported the following:

Varysburg Water – Weatherbee Issue

It was determined that the water issue at the Weatherbee residence is on the property owners side of the water line and not on the District's side. Eric Weatherbee has acknowledged that this is his issue to fix and he will resolve on his own.

Varysburg Water Meeting

The Varysburg Water Advisory Board met on September 24, 2019. The Board discussed grant opportunities, however, even with grant funding the District would have to take on more debt. The Board did not want to take on more debt at this point. There were changes in EDU billing for one resident who added an in-law apartment and one resident who removed an apartment. Supervisor Becker asked Don Roberts, County Code Enforcement Officer who was present at tonight's meeting to look into whether there is an apartment upstairs from Charney's Attic. Don will report back to Brian. Steve Perkins sent notice that the water reads will be a little late this month. The County has received the meter reading equipment and will no longer have to rely on the vendor to conduct the reads.

Shared Services Initiative

Cheryl Ketchum, Clerk to the Board of Supervisors, submitted a grant for the shared services agreement between the Town of Sheldon and the Wyoming County Water Agency. The grant was awarded and the Town will receive approximately \$10,000.00. The Water Agency will also receive approximately \$10,000.00 and the County will take 10% off the top for procuring the grant.

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A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the agreement to split the grant funding with the Wyoming County Water Agency and to compensate Wyoming County 10% of the grant.

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

Barton & Loguidice – Grant Writing Services

The engineering company Barton & Loguidice made a presentation to the Board of Supervisors outlining their services. In addition to engineering services, they also offer grant writing services. Supervisor Becker will reach out to the firm regarding the possibility of hiring them for the Varysburg Water District line expansion.

Pay Raises County Level

Supervisor Becker was contacted by a Town resident who was unhappy with the decision to give raises to certain County employees. Supervisor Becker explained that the County had a Human Resource committee in place to look at all wage increase requests. This committee compared pay rates in like sized Counties. Some raise increase requests were denied and some were sent for approval to the Board of Supervisors. Supervisor Becker explained that he didn't feel it was appropriate to challenge the committee's work. At this point in time, the County budget will stay within the 2% tax cap. The County budget is still being worked on.

Request for Additional Funding – Strykersville Seniors

Peter Pilc, president of the Strykersville Seniors, asked the Board for an increase of \$200 in funding for 2020. Mr. Pilc explained that the group keeps growing and is almost at 100 members. The group has outgrown their space at the American Legion and is looking for other meeting place options. Supervisor Becker noted that Town funding should not pay for people who don't live in Sheldon.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the increase of \$200.00 in 2020 funding for the Strykersville Seniors.

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

Disaster Preparedness Event

Mr. Pilc has organized a Disaster Preparedness Presentation. The event will take place on November 16, 2019 at 9am at the Strykersville Fire Hall. Each attendee will receive a backpack with various disaster preparedness items.

Acceptance of Reports

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

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

Old Business:

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Windy Brew Special Use Application

The Board expressed concern regarding the light on the business sign being left on. Alyssa Cutcliffe, Town Zoning Officer, reported that Mr. and Mrs. Snyder will be replacing the sign and if there is a new light the owners will be notified that it must be turned off at the close of business each night. The Board also noted that noise should not be obtrusive to neighbors. Councilman Kirsch asked for verification that the new building will be used only for storage and fermentation not customers. Alyssa responded that yes, the building is for storage and fermentation only. Councilman Kirsch asked about the fire wall. Don Roberts responded that a fire wall will be built into the new building. Supervisor Becker reported to the Board that he had a conversation with Mr. Snyder earlier today and told him that any future expansion will receive a no vote from him. Alyssa commented that they are getting close to lot coverage maximums per our zoning law.

Close Public Hearing – Windy Brew

At 8:00 p.m. a motion was made by Mike Armbrust and seconded by Vince Kirsch to close the public hearing on the Windy Brew special use permit application.

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

Approval of Special Use Permit

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the special use permit application from Bill and Michelle Snyder, DBA Windy Brew, with the following parameters attached to the permit:

CONDITIONS/PARAMETERS OF THE SPECIAL USE PERMIT:

- There will be no parking permitted on Route 20A.
- Bill and Michelle Snyder will both be listed on the special use permit
- Must maintain compliance with all Wyoming County Building and Health Department Codes.
- All alcohol must be consumed according to the NYS Liquor Authority permitted parameters.
- Days and Hours of Operation are as follows:
 - Wednesday 4:00 pm – 10:00 pm
 - Thursday 4:00 pm – 10:00 pm Friday 2:00 pm – 10:00 pm
 - Saturday 12:00 pm – 10:00 pm Sunday 12:00 pm – 6:00 pm
- Special Use Permit is subject to annual review by the Planning Board.
- New Building erected in October 2019 will be used only for storage/fermentation – not for public use or gathering
- The Planning Board must be notified of any changes in operation of this business.
- Annual Compliance Inspection - The Zoning Officer shall inspect the premises of a use authorized and approved with a special use permit not less than one time every two calendar years. The inspection shall determine that the use is being operated consistent

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with the terms and conditions established by the Town Board in approving the permit. If the Zoning Officer determines that the conditions are not in compliance with the permit, the Zoning Officer shall nullify the Special Use Permit and set forth the procedures and requirements for re-establishing the use. The use may not be operated until a new application is submitted and approved.

- At an October 16, 2019 meeting, the Town Board notes for the record that any future expansions will be difficult to satisfy on this particular parcel

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

Sanfilippo Special Use Permit – Dog Kennel

Ms. Sanfilippo explained her intent to build a small barn to the side of her house to serve as a dog kennel. Ms. Sanfilippo owns golden retrievers and also trains and judges in retriever trials. Ms. Sanfilippo stated that she is trying to be a good citizen and do the right thing and get a kennel permit. She states that she babysits other dogs from time to time. The kennel will have indoor/outdoor runs. The Board asked if a special breeders license is needed from Ag & Markets. Ms. Sanfilippo responded that this would not apply to her. Councilman Armbrust asked if there would be any retail sales. Ms. Sanfilippo responded no. Councilman Meyer asked if she will sell pet supplies. Ms. Sanfilippo responds no.

Close Public Hearing – Sanfilippo Dog Kennel

At 8:05 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to close the public hearing on the special use permit application from Diane Sanfilippo to build and operate a dog kennel.

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

Approval of Special Use Permit

A motion was made by Joe Meyer and seconded by Mike Armbrust to approve the special use permit application submitted by Diane Sanfilippo to build and operate a dog kennel with the following parameters:

#1 # of dogs: 10 adult dogs maximum

#2 Sheltering: Dogs must be sheltered between the hours of 8:00 p.m. and 6:00 a.m. unless they are under human control

#3 Vaccinations & Licensing: Dogs must be vaccinated per NYS regulations – see Public Health Law, Article 21, Title 4. Dogs must also have a valid license per NYS law – see Public Health Law, Article 7.

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

Reschedule Public Hearing – Zoning Map

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A motion was made by Vince Kirsch and seconded by Mike Armbrust to rescind the motion from the September 18, 2019 meeting that scheduled a public hearing for tonight on the proposed new zoning map. The public hearing should be held in December. The Board will schedule the date of the meeting at their November meeting.

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

Abandon Reisdorf Road

No update at this time.

Solar Law

No update at this time. An email has been sent to Attorney Dan Spitzer asking whether he can represent the Town on the matter.

Zoning Map Changes

The Board asks that Alyssa keep making updates to the zoning map per the planning board's recommendations.

New Business:

Budget Transfers:

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the following transfers:

General Fund:

Transfer \$150,000.00 from A1083 Wind Power Payments to DA1083 Wind Power Payments for Sept. bills & payrolls

Transfer \$163,093.11 from A1083 Wind Power Payments to DA1083 Wind Power Payments for Oct. bills & payrolls

Transfer \$100,000.00 from A9901.9 Transfer to Other Funds to DA5031 Interfund Transfer

Transfer \$2,500.00 from A1640.4 Central Garage to A1420.4 Law Contractual

Transfer \$2,115.88 from A1640.4 Central Garage to A7510.4 Historian Contractual

Transfer \$560.00 from A1220.4 Supervisor Contractual to A1670.4 Central Printing & Mailing

Transfer \$60.01 from A7110.4 Park Contractual to A7310.4 Youth Contractual

Highway Fund:

Transfer \$471.06 from DA5110.1 General Repairs-Personal Services to DA5112.1 Permanent Improvements-Personal Services

Transfer \$1,371.12 from DA5110.4 General Repairs Contractual to DA5130.2 Machinery Equipment

Transfer \$10,000.00 from DA5110.4 General Repairs Contractual to DA5130.4 Machinery Contractual

Transfer \$722.06 from DA5110.4 General Repairs Contractual to DA9730.7 BAN Interest Capital Fund:

Transfer \$80,207.25 from HA200 Cash to DA391 Due from Other Funds

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

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Amendment to May Resolution – BAN for Salt Building

At the May 2019 board meeting a resolution was passed authorizing a Bond Anticipation Note for the difference in what the Town budgeted for the salt building and what the actual cost was. (\$60,350.00).

A motion was made by Joe Meyer and seconded by Mike Armbrust to amend the May resolution to add an additional \$75,000.00 to the BAN if grant funding from DASNY is not received in time.

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

National Fuel Bill

Councilman Armbrust questioned the National Fuel bill. He suggested that the Supervisor look into purchasing a small heater.

2018 Western Star BAN

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the payment of \$80,207.25 in principal and \$2,085.39 in interest on the Bond Anticipation Note (BAN) for the 2018 Western Star.

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

Road Paving BAN

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the payment of \$128,333.33 in principal and \$3,355.20 in interest on the Bond Anticipation Note (BAN) for road paving.

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

USDA Water District Loan

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the ACH payment of \$11,100.00 in interest on the water district loan from the USDA.

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

Tax Cap Override

It was noted that a tax cap override is not necessary this year. There will be no town taxes in 2020.

Adoption of Tentative Budget as Preliminary Budget

A motion was made by Vince Kirsch and seconded by Jim Fontaine to adopt the tentative budget as the preliminary budget and to set the 2020 budget public hearing date for Thursday, November 7, 2019 at 7:30 p.m.

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

Appoint Kate Meyer Secretary to Planning Board, ZBA, BAR

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A motion was made by Jim Fontaine and seconded by Vince Kirsch to appoint Kate Meyer as secretary to the Town Planning Board, Zoning Board of Appeals and Board of Assessment Review with a pay rate of \$12.50 per hour.

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

Appoint Kate Meyer Deputy Town Clerk

A motion was made by Vince Kirsch and seconded by Mike Armbrust to appoint Kate Meyer as Deputy Town Clerk with a pay rate of \$12.50 per hour.

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

Bills:

Supervisor Becker confirmed that the Board had a chance to review the bills.

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the General Bills #269 to #287 for a Total of \$25,542.54, the Highway Bills #145 to #157 for a Total of \$642,412.44, the Trust & Agency Bills #29 to #31 for a Total of \$525.28, the Varysburg Water District Bills #64 to #68 for a Total of \$105.45 and the Lighting District Bills for a Total of \$826.49 be paid.

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

Comments from the Floor

At 9:00 p.m. Supervisor Becker opened the floor to comments.

Solar Project

Jimmy Moreland from ConnectGen was present at tonight's meeting. He stated that the public involvement plan has been submitted. The Board was sent a copy electronically. An open house is planned for December.

Enter into Executive Session

At 9:02 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to enter into Executive Session to discuss legal matters/strategy with Town Attorney David DiMatteo.

Invited into the executive session were: David DiMatteo, Alyssa Cutcliffe, Don Roberts, Deputy Town Clerk Kate Meyer, Town Clerk Carol Zittel.

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

Exit Executive Session

At 10:00 p.m. a motion was made Mike Armbrust and seconded by Vince Kirsch to exit from executive session.

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

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Adjournment

At 10:00 p.m. a motion was made by Mike Armbrust and seconded by Vince Kirsch to adjourn the October 16, 2019 meeting of the Sheldon Town Board.

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