

**REGULAR MEETING  
SHELDON TOWN BOARD  
OCTOBER 17, 2022**

The Regular Meeting of the Sheldon Town Board held October 17, 2022 at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145 was called to order by Deputy Town Supervisor Mike Armbrust at 7:00 p.m.

**Present:**

**Councilmen:** Jim Fontaine, Joe Meyer, Mike Armbrust, Vince Kirsch

**Recording Secretary:** Town Clerk Carol Zittel

**Absent:** Supervisor Brian Becker

**Also present:** Highway Superintendent David Ricketson. Arcade Herald and Warsaw Courier reporter Maya Borer. A signed list of all present is on file in the Town Clerk's office.

**Minutes**

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the minutes from the September 14, 2022 water board meeting, the September 21, 2022 regular meeting and the September 28, 2022 budget workshop meeting be approved.

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

**Communications**

The Town Clerk Carol Zittel reported the following:

**New Zoning Law**

The Town Planning Board will begin working with Wyoming County Zoning to work on writing a new zoning law. Their next meeting is November 9<sup>th</sup>.

**GFLRPC Training**

Genesee Finger Lakes Regional Planning Council is hosting several virtual workshops on clean energy over the next month. Wyoming County is encouraging high participation to increase the County's opportunities to receive points for future grants. The Town of Sheldon has three members from various boards registered. The Town Clerk will resend the registration information to encourage more sign ups.

**Reports**

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

**WYOMING COUNTY ZONING MONTHLY REPORT**

**Date:** October 3, 2022 – Report for September 2022

**Town:** Sheldon

**Open Projects:**

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- Adam Almeter (495 Centerline Road) - submitted an application for a land separation. The sketch plan was approved at the Town of Sheldon Planning Board meeting on August 10, 2022. The 30" x 120" piece of land to be separated is contingent upon a merge with the Beitz existing parcel of 47.92 acres. Waiting for maps to be filed and can issue permit.

**Permits Issued:**

**September: 1 permit**

- Joshua Ennis (1942 Thomas Road) –camping permit issued for 1 unit

**Special Use Permits Renewed & Inspected:**

- The Broadway Group (Route 78) – commercial retail facility – special use permit renewed on 9/20/2022
- Savannah Kissell (2760 Maxon Road) – event/wedding venue – special use permit renewed on 7/11/2022
- Felicia Mullane (3839 Sunset Drive) – adult daycare facility – special use permit not renewed/second notice was sent on 9/7/2022
- Diane Sanflippo (3195 Route 98) – kennel – special use permit renewed on 7/11/2022
- Michelle & William Snyder – storage & fermentation – special use permit renewed on 7/11/2022

**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

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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. Court date is October 11, 2022 at 2:00pm.

- Joshua Ennis and Anne Elliott – 2009 Thomas Road (SBL: 68.-1-12.112) – Violation Notice/Order to Remedy issued April 14, 2022. Property owner is to either remove the camper located on the vacant parcel, OR a parcel merge request must be filed and approved by the Town Assessor for 2009 Thomas Road and 1942 Thomas Road to become one parcel, OR a use variance application needs to be filed with the Wyoming County Zoning Department. Proof of the parcel merge from Real Property has been received; however the owners need to apply for a camping permit. A letter was sent to the owners via certified mail on July 28, 2022. The owner applied for a camping permit and it was issued on 9/12/2022 – this violation has been closed.

**Highway Superintendent Report**

Superintendent Ricketson reported on the following:

**2018 Western Star Repairs**

The 2018 Western Star is at Marquart. It needs brakes and calipers.

**Resignation**

Highway Superintendent Ricketson submitted his letter of resignation effective November 18, 2022. The letter is on file in the Town Clerk's office. The Board expressed thanks to Mr. Ricketson for his dedicated service to the Town. Mr. Ricketson expressed his appreciation to the Board for working together to make the Town better. Mr. Ricketson stated that the windmill money made it possible to keep the roads up.

**Supervisor's Report**

Deputy Supervisor Armbrust reported on the following:

**Highway Building Roof**

Ken Price roofing came out to look at the highway building roof. A price quote should be forthcoming.

**Outside Lights Highway Building**

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Councilman Meyer asked if new lighting was installed outside of the highway bays. Superintendent Ricketson responded that nothing has been installed yet but that he recommends LED lights.

**Outstanding Highway Projects**

Councilman Armbrust asked if there were any outstanding projects that need to be addressed. Superintendent Ricketson replied that the highway department didn't have time to crack fill this year. The Town still has the crack sealer from the Town of East Aurora. He will reach out to the Town of East Aurora to see if they want the sealer back or if Sheldon highway should store it until next year when they can address the crack sealing.

**Acceptance of Reports**

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

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

**Old Business:**

**Strykersville Fire Contract**

Vickie Reisdorf, President of the Strykersville Fire Company, and member Bill Perl were present at tonight's meeting. Ms. Reisdorf advised the Board that the Town of Java did not approve the fire department's contract request. The Town of Java approved a one-year contract with an approximate 38% percent increase from the previous year for a total of \$100,000 from the Town of Java. Prior to tonight's meeting, Ms. Reisdorf had discussed the issue with Supervisor Brian Becker and agreed that it would not be fair to the Town of Sheldon to ask residents to pay a 300% increase while the Town of Java residents would only see a 38% increase. The Strykersville Fire Company is asking the Town of Sheldon to match the Java increase proportionately. The Town of Sheldon would go from a \$37,550 payment to an approximate \$52,072 contract in 2023.

A motion was made by Vince Kirsch and seconded by Joe Meyer to rescind the August 2022 resolution and to approve a one-year contract with the Strykersville Fire Company with an increase of approximately 38% in 2023 for a total of approximately \$52,072.00.

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

**Harris Corners Ambulance Contract**

Ms. Reisdorf asked if the Board could increase the Harris Corners Ambulance contract for 2023. The Town Clerk advised that the ambulance contract was a two-year contract and it does not expire until the end of 2023. The Town Clerk questioned why the Town is involved with Harris Corners and Strykersville Fire Company's ambulance contract. The Sheldon Fire Department contracts with Strykersville separately and the Town is not involved in that negotiation. The Town Clerk suggests that next year the Board should consider asking Harris Corners to negotiate on their own for ambulance service.

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**Veterans Banners**

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the prepayment of \$2,500.00 to TW Signs LLC for the purchase of 50 brackets for the Veterans banners project. Ayes: (4) Fontaine, Armbrust, Meyer, Kirsch Absent: (1) Becker Nays: (0) Motion Carried.

Ms. Noelle Pitkin thanked the Board for their support.

At 7:30 p.m. Ms. Pitkin and Ms. Reisdorf left the meeting.

**ARPA Funding**

Remaining ARPA funds: \$29,114.08.

**Spectrum Update**

The Town Clerk obtained the pin number for the hall phones. The Town may pursue switching the phones to Verizon service.

**Varysburg Water**

**Tank Cleaning**

Liquid Engineering Corp. sent a letter to Supervisor Becker stating that the tank cleaning is postponed and will not take place in 2022 as planned. They will contact the Town in 2023 to schedule the cleaning.

**RAFA Systems**

A motion was made by Joe Meyer and seconded by Vince Kirsch to approve the hiring of RAFA Systems to replace the PlantIQ system at a cost of \$16,793.50 per price quote #1058 dated 9/8/2022.

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

**NYMIR Inspection Update**

Per NYMIRs recommendation, the bleachers at the Town park have been removed. Mulch under the playground and the swing set will be addressed in the spring. The Board would like clarification on what NYMIR recommends regarding the swing set at the Historical Schoolhouse. They would also like to know options on the slide. For example, can the slide be blocked off to prevent anyone using it or can signage be placed.

**Historical Society Requests**

Beechler Construction submitted a price estimate for repairs to the Historical Schoolhouse. There was a short discussion on types of material to use on the porch decking. Councilman Kirsch will contact Mr. Beechler to suggest the use of a product from LenCo Construction.

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A motion was made by Vince Kirsch and seconded by Jim Fontaine to hire Beechler Construction to make repairs as outlined on the October 19<sup>th</sup> price quote with the understanding that the price may change due to a possible change in material type.

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

Councilman Kirsch also noted that the roof at the Schoolhouse needs to be addressed.

**Arrival of Town Attorney**

Town Attorney David DiMatteo arrives to the meeting at 7:40 p.m.

**Dennis Mills Zoning Violations**

Town Attorney DiMatteo reported that a virtual hearing took place at Wyoming County Supreme Court in front of Justice Kibler regarding the Mills zoning violations. Mr. Mills believes the Town has violated the Constitution and his rights. Mr. DiMatteo requested access to Mr. Mill's property to which Mr. Mills responded in writing that Mr. DiMatteo could come as long as he brought the Secret Service with him. Another court date is set for mid-November.

**Local Law 2-2022 – 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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add 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**, the Town Board of the Town of Sheldon finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

**NOW ON MOTION OF** Jim Fontaine which has been duly seconded by Vince Kirsch, be it

**RESOLVED**, by the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 1st day of November 2022 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

**Update to Fire District Maps**

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The Town Clerk updated the Attorney DiMatteo regarding the discrepancies of fire district taxation. Wyoming County GIS Coordinator Joanna Craigmile used the boundary descriptions of the fire districts and found discrepancies in how Real Property is billing certain residents. An excel spreadsheet was provided to the Town with the discrepancies listed. Some of the fire districts disagree with the new maps. Attorney DiMatteo stated that he doesn't know how you can not accept the new maps if they were based on the boundary lines that were established in writing. He recommends that the Town Board meet with Wyoming County GIS Coordinator Joanna Craigmile, Emergency Services Coordinator Bill Streicher and Wyoming County Real Property Director Sarah Lippincott.

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to arrange a meeting between the Town Board and Wyoming County GIS Coordinator Joanna Craigmile, Emergency Services Coordinator Bill Streicher and Wyoming County Real Property Director Sarah Lippincott.

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

**Strykersville Fire Contract**

The Town Clerk requested that Attorney DiMatteo write the contract for the Strykersville Fire contract as the contract will no longer be a joint contract with the Town of Java. Mr. DiMatteo requested that the Town Clerk email him the contract amount.

**New Business:**

**County Planning Board**

The Town is still looking for a replacement to the County Planning Board. Councilman Fontaine may be interested but would like to think about it until next month's meeting.

**Adopt Tentative Budget as 2023 Preliminary Budget & Set Date Public Hearing**

A motion was made by Jim Fontaine and seconded by Vince Kirsch to adopt the tentative budget as the 2023 Preliminary Budget and to set the date for the public hearing for Tuesday, November 1, 2022 at 7:00 p.m. at the Sheldon Town Hall.

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

**Budget Transfer**

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the transfer of \$187,367.50 from General Money Market A1083 to Highway Money Market DA1083.

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

**Bills:**

Deputy Supervisor Armbrust confirmed that the Board had a chance to review the abstracts.

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the

General Bills #207 to #237 for a Total of \$19,967.93, the

Highway Bills #125 to #137 for a Total of \$287,284.57, the

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Lighting District Bills #18 to #19 for a Total of \$1,174.30, the Trust & Agency Bills #32 to #35 for a Total of \$633.20, and the Varysburg Water District Bills #46 to #52 for a Total of \$1,536.88 be paid.

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

**Questions on Schoolhouse Electric Bills**

The Board would like a report from the Town Bookkeeper Katie Chmura on the electric usage at the Historical Schoolhouse. The bills seem high for a building that is not open often.

**Questions on Batavia Daily Bills**

Councilman Fontaine inquired as to why the Batavia Daily bill was so high this month. The Town Clerk explained that the newspaper stopped mailing legal ad invoices so the Bookkeeper was not receiving them. The Town Clerk has given online access to Katie Chmura so she can retrieve the invoices monthly.

**Comments from the Floor**

At 8:15 p.m. the floor was opened to comments. There were none.

**Adjournment**

At 8:15 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to adjourn the October 17, 2022 meeting of the Sheldon Town Board.

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