

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

The Regular Meeting of the Sheldon Town Board held September 21, 2022 at the Sheldon Town Hall, 1380 Centerline Rd., Strykersville, NY 14145 was called to order by Town Supervisor Brian Becker at 7:00 p.m. Supervisor Becker asked resident and purple heart recipient Lorne Lemieux to lead the Board in the Pledge of Allegiance.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Joe Meyer, Mike Armbrust, Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
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 Mike Armbrust that the minutes from the August 24, 2022 regular meeting be approved.

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

*Councilman Fontaine noted a typo in the August minutes - the closing time of the Strykersville Fire public hearing was incorrect.

Communications

The Town Clerk Carol Zittel reported the following:

Hunting License Sales

The Town Clerk reported that she has been busy selling hunting licenses.

Reports

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

WYOMING COUNTY MONTHLY REPORT

Date: September 5, 2022 – Report for August 2022

Town: Sheldon

Open Projects:

- PB Meeting on 8/10 for sketch plan approval for a land separation from Almeter to Beitz; 30" x 120" piece of land contingent upon merge with Beitz existing parcel of 47.92 acres.

Permits Issued:

August: 3 permits

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

- David & Darlene Eckert (855 Minkel Road) – zoning permit issued for above ground pool with deck
- Steven & Kimberly Fontaine (Grand View Drive) – zoning permit issued for 48’ x 72’ building w/ 16’ x 72’ lean-to for farm, storage and ag use
- Judith Roycroft (518 Bambi Drive) – zoning permit issued for 12’ x 20’ pre-built shed

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 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.
- 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 following is a list of Special Use Permit Renewals & Inspected by the Wyoming County Zoning:

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

The Broadway Group - Route 78 (SBL:90-1-36.12) - second notice was sent out

Larry Hibsich - 3628 Bartz Road - Animal Waste Storage Facility - no renewal needed

Savannah Kissell - 2760 Maxon Road - Renewed July 11, 2022

Felicia Mullane -3839 Sunset Drive- second notice was sent out

Diane Sanflippo - 3195 Route 98 - Renewed July 11, 2022

Michelle & William Snyder - 733 Route 20A - Renewed July 11, 2022

Liquor License Question

Councilman Fontaine asked if the Broadway Group (Dollar General) had to receive a liquor permit to sell alcohol. The Town Clerk responded that no permit is required by the Town.

Highway Superintendent Report

Superintendent Ricketson reported on the following:

Armbrust Road Paving

Supt. Ricketson noted that at last month's meeting he had reported that half of Armbrust Road would be paved. The department ended up paving the whole road and it turned out very well. Councilman Fontaine asked where the millings were purchased. Supt. Ricketson responded that the millings were purchased through County Line Stone. Supt. Ricketson suggested that Armbrust be sealed in 2023 or 2024, preferably 2023.

Falls Rd. CHIPS Funding

The remaining CHIPS funding will be used for Falls Road.

Highway Building Outdoor Lighting

Supt. Ricketson asked if there was ARPA money left to replace lighting. Supervisor Becker responded no, that the remaining ARPA money would be used for a town hall generator. Supt. Ricketson stated that the lighting will have to be replaced.

Cold Storage Roof Leak

Supt. Ricketson reported a leak in the roof of the cold storage building. Supervisor Becker will reach out to Kenny at Carmody Roofing.

Highway Budget Items for 2023

As Supt. Ricketson will likely be retired by next year, he made the following recommendations for highway budget items for 2023:

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

- Replace 2012 snow plow. He stated that it takes 1 ½ to 2 years to get delivery after ordering. Western Star and MAC are on NYS bid or the Women in Business Program. The highway department has been happy with the Western Star trucks.
- Replace Highway Supt. pickup truck. He recommends ¾ ton truck now that we have a trailer. He also recommends getting a plow on it to allow for plowing of the hall lot and smaller roads.

Supervisor’s Report

Supervisor Becker reported on the following:

Wyoming County Community Hospital

The hospital has asked for \$10 million for 2023. The new CEO and CFO seem to have a good handle on things. There has been an increase in nurse hiring and a nurse recruiter position has been approved. Supervisor Becker also noted that there are only three County-run hospitals in New York State: Wyoming County Community Hospital, ECMC in Buffalo, NY and Lewis County General Hospital in Lowville, NY. Supervisor Becker also noted that all employees of the Wyoming County Community Hospital are in the NYS retirement system.

County Ag Committee

Supervisor Becker is the chair of the Ag Committee at the County Board of Supervisors. Last year the NYS Dept. of Environmental Conservation approved an extension of deer hunting into Christmas and the New Year. Supervisor Becker noted that hunting groups within Wyoming County disapprove of the decision. Supervisor Becker stated: “our point of view is that snowmobiling brings in more tourism money than hunting.” Wyoming County has sent a letter to the NYSDEC but the County’s opposition does not mean that the DEC will still not extend the season.

Speed Limit Signs in Strykersville

Supervisor Becker was contacted by residents in Strykersville requesting speed limit signs on side roads, Factory Road, being one of the roads. Supervisor Becker wanted it noted in the minutes that the speed limit signs on Route 78 read “Area Speed Limit 35.” The word area means that the entire area is a 35 mph speed limit so when cars turn off of Route 78 onto Factory Road the speed limit is still 35 mph.

Acceptance of Reports

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

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

Old Business:

ARPA Funding

ARPA funding was used to pay for the excavator. Remaining ARPA funds: \$29,114.08.

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

Spectrum Update

Spectrum has still not resolved the billing problems it created when installing the new internet modem.

Veterans Banners

Resident Noelle Pitkin was present at tonight's meeting. She brought resident and American Legion member Lorne Lemieux with her this evening. Ms. Pitkin addressed the Board stating that she has attended the past few board meetings asking for assistance in purchasing the banners and still has no response. She asked: "Are you going to donate?"

Councilmen Fontaine and Kirsch asked for costs. Ms. Pitkin responded that she is asking for \$25,000 - \$30,000. Ms. Pitkin stated that the company making the banners will install them the first time and that the Sons of the American Legion will take them down and put them back up again and that the Legion will store the banners. Councilman Kirsch asked what the expected life is for a banner. Ms. Pitkin responded that they will not fade. Supervisor Becker noted that the Varysburg Water District has approximately 300 residents that need to pay \$20,000 - \$30,000 to hire an engineer to draw up an engineering plan. Supervisor Becker commented that banner projects in other municipalities are paid by the individual purchasing the banner. Councilman Meyer noted that in East Aurora the banners were paid for individually and not by the municipality. Councilman Armbrust commented that the Town Board is responsible for collecting tax revenue and disbursing it for the public good, again noting the issues facing the Varysburg Water District. He also pointed out that the Town Board is striving to continue not to levy a Town tax on residents. The Town Clerk commented that the Town is not permitted by NYS law to make donations, but that they can pay vendors for services or products. Supervisor Becker mentioned that the Town Board was once asked to make donations to the Holland Boys and Girls Club and the Attica library and both times had to refuse. Councilman Kirsch asked Ms. Pitkin to provide a budget. Mr. Lemieux suggested that the Board commit to purchasing brackets for the banners. The Town Board noted that their budget workshop is next week. Councilman Fontaine asked if Invenegy committed to donating. Ms. Pitkin responded that Invenegy would not commit any funds at this time and asked her to reach out to them in January. The Town Board was in unanimous agreement that the project is a good idea but they are not in agreement as to whether it is an appropriate use of Town funds.

Varysburg Water Meeting Recap

Thane Wright, Chairman of the Varysburg Water Advisory Board, gave a recap of the September 14th Varysburg Water informational meeting held at the Varysburg Fire Hall. The minutes of the September 14th meeting were recorded by the Town Clerk and are in the official minutes book in the Town Clerk's office.

Mr. Wright's recap:

- Water Board members in attendance: Thane Wright, Dave Thornton, Scott Almeter
- Town Board members in attendance: Mike Armbrust, Joe Meyer, Jim Fontaine
- Matt Zarbo, engineer for Barton & Loguidice gave a presentation on the proposed capital project

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

- Mr. Zarbo indicated that the scope of the project may have to expand to include other improvements in order to make it more grant friendly
- Possibility of getting 60% in grant funding with remainder of funds requiring a loan
- After the presentation, residents were given an opportunity to ask questions
- Suggestions raised: extend district up School Street, also north on Route 98 past Teague residence, continuing line west on 20A to end at Bob Lakas' house so that Boxler Maple could tie in
- Residents were notified of the Town Board's intention to raise water rates to \$20/10,000 gallons. Current rate is \$12.50/10,000 gallons. Mr. Wright stated that the public seemed to be okay with the increase on quarterly water rates, however, some were concerned for potential increases on the maintenance fee and loan repayment which is on their yearly tax bill.
- There was discussion of a possible income survey
- There is 2-inch line on School Street, I would rather we do 6 inch to Green residence

Discussion between the Town Board, Mr. Wright and those in attendance:

- Supervisor Becker reported that there is approximately \$80,000 in water funds accounts. These funds would be used to pay for the engineering report
- Councilman Meyer asked if the consensus of the residents was to move forward. Mr. Wright responded, yes.
- There was a suggestion that water rates be changed to \$20/12,000 gallons instead of \$20/10,000. The Town Clerk will email the Town Board the excel spreadsheet of billing to see if this idea makes sense financially. Depending on how many users go over 10,000 gallons quarterly the Town Board may be open to this.
- Supervisor Becker asked Highway Superintendent Ricketson if CHIPS money could be used for drainage issues on School Street. Supt. Ricketson responded that yes, CHIPS money could be used if it was separated out of the rest of the project.
- Resident Dan Keicher noted that Mr. Zarbo did state that ARPA money could be used for the engineering report. Supervisor Becker responded that if ARPA funds were used for the Water District, the people in Strykersville wouldn't be happy. Mr. Keicher replied that ARPA money was used for an excavator. Supervisor Becker replied that yes, and the remaining funds will be used for a generator at the Town Hall. Supt. Ricketson stated that the Town Hall is an emergency shelter and needs a generator to run the whole building.

At 8:25 p.m. Supt. Ricketson, Noelle Pitkin and Lorne Lemieux departed the meeting.

Update to Fire District Maps

The Town has not received a response from the North Java Fire Department or Strykersville Fire regarding the proposed map corrections. Sheldon Fire and Varysburg Fire have come to an agreement that Poplar Point go to Varysburg, however, there may be an issue in making this

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

change as Varysburg has a Board of Commissioners and the dissolution paperwork from 2020 used boundary lines that do not have Poplar Point in Varysburg's jurisdiction.

Concerns with Former Historian Contact Information

The Town of Java Deputy Historian and the Sheldon Historian have expressed concerns that former Town Historian, Barb Durfee, is still using an email address that identifies herself as the Sheldon Historian. Ms. Durfee also has a live website with incorrect information listed. Supervisor Becker thinks that this agenda item should come off future agendas as he is not concerned that people cannot find the correct contact information on the Town's official website.

Resolution to Raise Water Rates for the Varysburg Water District

WHEREAS, it is of critical importance to the Town of Sheldon to protect the Varysburg Water District's drinking water infrastructure and provide safe and adequate water supply to its users; and

WHEREAS, pursuant to Local Law 1-2016 of the Town of Sheldon, the Town Board of the Town of Sheldon is authorized to establish metered water rates.

NOW ON MOTION OF Brian Becker which has been duly seconded by Mike Armbrust, now therefore be it

BE IT RESOLVED, that the water rents of the Varysburg Water District in the Town of Sheldon shall be set at:

Number of Gallons Rate:

First 10,000, minimum \$20.00

Thereafter, per 1,000 gallons \$ 3.00

and shall be implemented and effective 120 days from today on January 19, 2023.

Becker: Aye

Kirsch: Aye

Fontaine: Aye

Armbrust: Aye

Meyer: Aye

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

Cemetery Maintenance

Councilman Fontaine inspected the Pioneer Cemetery and recommends that the Board kill the vines and ivy on the wall. He also noted that there are trees that need to be taken down.

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

Councilman Fontaine will use his equipment to remove a log that is laying up against the wall. Supervisor Becker will hire someone to spray the vines and ivy. Supervisor Becker noted that the only cemetery he is aware of that needs work is the Pioneer Cemetery and that the Board should include money in the 2023 budget for its cleanup.

NYMIR Inspection Update

Councilmen Meyer and Armbrust met with Darlene Janes at the Varysburg park. The mulch under the playground will be replaced in the spring. Supervisor Becker asked the Lions Club to replace the “S” hooks on the park swings. The North Java Fire Department will take the bleachers. Supervisor Becker will work with NYMIR and the Historical Society regarding the old slide and the swing set at the Historical Schoolhouse.

Zoom Teleconference Law

The Town Board does not want to pursue the Zoom teleconference law which would allow board meetings by Zoom teleconference.

Historical Schoolhouse Requests to Building

Councilman Kirsch inspected the Schoolhouse and requests submitted by Laury Lakas. He reported:

- the handrail on the ramp just needs to be refastened
- Gutters – ice has rolled them. They need to be re-straightened.
- Floor boards (approx.. 15-20) on porch need to be replaced
- Not on their list but needs addressing: the siding in the back northeast corner at the base

Supervisor Becker will contact Jeremy Ortiz from Seamless Gutters. Councilman Armbrust will check with Steve Beechler and the Kiwanis regarding the siding.

Strykersville Fire Contract

Supervisor Becker stated that he thought the Strykersville Fire Company did a great job on their presentation and explaining their needs. At last month’s meeting, the Sheldon Town Board approved the fire contract, however, the Town of Java denied their request. The question raised by Supervisor Becker: what do we do now? Our Town residents will be paying 3x what they paid last year and Java’s residents will not. Supervisor Becker will reach out to Attorney DiMatteo.

Resolution to Request a Preliminary Engineering Report (PER)

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, it is of critical importance to the Town of Sheldon to protect the Varysburg Water District’s drinking water infrastructure and provide safe and adequate water supply to its users; and

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

WHEREAS, the Town of Sheldon is proposing improvements to the Varysburg Water District in order to continue to provide a safe and reliable potable water supply and fire protection to certain residences located within said water district; and

WHEREAS, the Sheldon Town Board held a public meeting on September 14, 2022 with the Varysburg Water Advisory Board and customers of the Varysburg Water District; and

WHEREAS, a public presentation was given by Matt Zarbo of Barton & Loguidice; and

WHEREAS, the proposed improvements will require engineering services which include design services;

NOW ON MOTION OF Joe Meyer which has been duly seconded by Vince Kirsch, now therefore

BE IT RESOLVED, that the Town Board of the Town of Sheldon hereby retains Barton & Loguidice for engineering services necessary to complete a Preliminary Engineering Report (PER) for improvements to the Varysburg Water District.

Becker: Aye

Kirsch: Aye

Fontaine: Aye

Armbrust: Aye

Meyer: Aye

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

New Business:

Budget Transfer

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the transfer of \$200,000.00 from General Money Market A1083 to Highway Money Market DA1083 for September bills, Armbrust Road paving and payroll.

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

Pre-Pay County Line Bill

A motion was made by Vince Kirsch and seconded by Jim Fontaine to give the Town Bookkeeper permission to pay County Line Stone for the Armbrust Road paving once the bill is received in order to submit CHIPS paperwork on time to receive reimbursement by December 18, 2022.

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

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

Tax Cap Override Law

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Clerk to request a draft Tax Override Law for the Board's review.

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

Bill for Summer Youth Recreation

Councilman Fontaine questioned the bill for the youth field trip to Charcoal Corral in the amount of \$1,250.00. The Town Clerk will reach out to Youth Recreation Director, Marissa Rudgers, to advise that field trips need to be advertised on the Town website.

Bills:

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

A motion was made by Brian Becker and seconded by Jim Fontaine that the General Bills #185 to #206 for a Total of \$6,682.68, the Highway Bills #109 to #125 for a Total of \$20,945.41, the Lighting District Bills #17 for a Total of \$209.56, the Trust & Agency Bills #29 to #31 for a Total of \$569.72, and the Varysburg Water District Bills #43 to #45 for a Total of \$260.00 be paid.

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

Comments from the Floor

At 9:15 p.m. Supervisor Becker opened the floor to comments. There were no comments.

Resident Ray Kirsch Concerns

Resident Ray Kirsch addressed the Board with the following concerns and suggestions:

- The Town Board should conduct an interview process for the position of Highway Superintendent due to the approaching retirement of current Highway Superintendent Dave Ricketson. Mr. Kirsch submitted a checklist to aid in this process. The Town Clerk was not given a copy of the list.
- Mr. Kirsch stated that he was surprised at how quick the Town Board approved the purchase of the excavator without exploring other options. The Town Board responded that discussion of a purchase of a new excavator had been ongoing for many months before they approved the purchase and that the Board discussed the possibility of sub-contracting the work and other options.
- Mr. Kirsch also commented about the need for the purchase of a new snow plow which Supt. Ricketson suggested to earlier this evening. The Town Board replied that the Town rotates and sells a truck every twelve years and that the Town has been throwing a lot of money into the 2012 Peterbilt.
- Mr. Kirsch also commented on the Wyoming County Hospital financial problems and questioned the County's decision to remove Dr. Mason.

**REGULAR MEETING
SHELDON TOWN BOARD
SEPTEMBER 21, 2022**

Adjournment

At 9:40 p.m. a motion was made by Jim Fontaine and seconded by Vince Kirsch to adjourn the September 21, 2022 meeting of the Sheldon Town Board.

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