

**REGULAR MEETING
SHELDON TOWN BOARD
July 16, 2025**

The Regular Meeting of the Sheldon Town Board held July 16, 2025 at the Sheldon Town Hall, 1380 Centerline Rd., NY 14145 was called to order by Town Supervisor Brian Becker at 7:00 p.m.

Present: Supervisor Brian Becker
Councilmen: Joe Meyer, Vince Kirsch, Mike Armbrust, Jim Fontaine
Also present: Highway Superintendent Luke Metz; Town Bookkeeper Katie Chmura
Recording Secretary: Town Clerk Carol Zittel
A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the June 18, 2025 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, reported the following:

Resignation – Town Justice Jason Janes

The Town Clerk received a notice of resignation letter from Justice Jason Janes on July 16, 2025. The letter stated an effective date as of July 2, 2025.

Six Star Post – Quarterly Bell Jar Report

The Six Star Post submitted their quarterly bell jar report to the Town Clerk.

Sheldon Fire Company Picnic

The Sheldon Fire Company annual picnic will be held July 27, 2025.

Thank You Letter for Justa Goodell, Wyoming County Animal Control Officer

Varysburg resident Laurel Teague copied the Town on a thank you letter written to Justa Goodell. The letter thanks Justa for her professionalism and support during a recent cat bite incident involving Ms. Teague.

Petition Small Claims Assessment Review

A petition for small claims assessment review was filed with the Town Clerk by Centerline Road resident, Cody Corke.

Farmers Market Coupons

Farmers market coupons are available at the Wyoming County Office for the Aging Office for residents over the age of 60.

Correction to June Minutes

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Councilman Fontaine asked to correct the minutes from June. The minutes should have read that the excavator had a pump repaired not replaced.

Reports

The Town Supervisor financial reports, Town Clerk monthly report and Town Justice report from Justice Kirsch were distributed. Justice Janes did not submit a May report. Court Clerk Donna Almeter will submit the outstanding May, June and July reports for Justice Janes.

Wyoming County Zoning Report

The Wyoming County Zoning report was distributed and is on file in the Town Clerk's office.

Highway Superintendent Report

Highway Superintendent Luke Metz reported the following:

Wheeled Excavator

The Hyundai representative offered a one-year extension on the warranty. Hyundai replaced the hydraulic pump and they think they fixed it. They have no records of other machines having the same issue.

Oil & Stoning

On July 28th and 29th North Sheldon, Humphrey and Royce Road were oil and stoned.

New Truck Arrives

The 2026 plow truck (to replace the 2008) has arrived in Batavia. It is bright red which is the wrong color. The Town could either get it painted or order a new truck in the right color. A new truck order would delay the arrival until March. The cost to order a new truck would not increase, however, the cost of the warranty may increase.

Supervisor Report

Supervisor Brian Becker reported the following:

Wyoming County Resignations

The Directors of Real Property and Planning have both resigned. The Director of Real Property position has been filled. Angela Ellis has been temporarily appointed as Planner. Supervisor Becker stated that Ms. Ellis has done wonderful things for Livingston County. Supervisor Becker spoke with Ms. Ellis regarding the electric car charging location in Varysburg and she is going to look into how she can assist.

Wyoming County Board of Supervisor's Ethics Law

A public hearing on the proposed Wyoming County Ethics Law will be held at the Board of Supervisors meeting held at the Wyoming County Fair.

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County Administrator Report

Supervisor Becker reported that Scott Shrader, Wyoming County Administrator, submits a great monthly report to the Board of Supervisors each month. Supervisor Becker will start bringing a copy of the report next month.

Acceptance of Reports

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

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

Old Business:

Harris Corners Fire Contract Public Hearing

At 7:02 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to open the public hearing for the Harris Corners Fire contract. Harris Corners is requesting a 5-year contract with a 4% increase each year. In 2025 the contract amount is \$38,605,41.

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

President of the Harris Corners Fire Company, Nick Kirsch, was present at tonight's meeting to address the board and answer their questions. Supervisor Becker asked Mr. Kirsch if Harris Corners is asking for the same contract request from the Town of Bennington. Mr. Kirsch replied yes.

Strykersville Fire Company Ambulance Contract (Sheldon portion of Harris Corners)

At 7:02 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to open the public hearing for the Strykersville ambulance contract for the Sheldon portion of the Harris Corners fire district. Strykersville Fire is requesting a 5-year contract at a rate of \$2,000 per year. In 2025 the contract is \$1,500.

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

Bill Streicher was present at tonight's meeting to represent the Strykersville Fire Company. Supervisor Becker asked Mr. Streicher how the department's responses are going. Mr. Streicher replied that they have been doing better and that the County runs around 10% and Strykersville goes a little above that.

Closing of Harris Corners Fire Contract Public Hearing

At 7:20 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to close the public hearing for the Harris Corners Fire contract.

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

Closing of Strykersville Fire Company Ambulance Contract (Sheldon portion of Harris Corners)

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At 7:20 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to close the public hearing for the Strykersville ambulance contract for the Sheldon portion of the Harris Corners fire district.

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

Approval of Harris Corners Fire Contract

A motion was made by Jim Fontaine and seconded by Joe Meyer to approve the five-year contract with Harris Corners Fire Company as follows, pending approval from the Town of Bennington at the same rate increase. (4% increase each year)

2026: \$40,149.63

2027: \$41,755.62

2028: \$43,425.84

2029: \$45,162.87

2030: \$46,969.38

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

Approval of Strykersville Ambulance Contract

A motion was made by Vince Kirsch and seconded by Joe Meyer to approve the five-year contract with Strykersville Fire Company to provide ambulance services to the Sheldon portion of the Harris Corners Fire District at a rate of \$2,000 per year for January 1, 2026- December 31, 2030.

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

Varysburg Water

Supervisor Becker gave a brief recap on the water project:

- 4 bids were received
- Fineline Pipeline won the bid as the lowest bidder
- Fineline can get at the job quickly
- 30-year ductile iron pipe will be replaced
- In response to a question from Councilman Kirsch, Supervisor Becker states that the pumphouse will not be addressed by this project, however, a new line will be installed to the pumphouse. Redoing the pumphouse is not in the budget at this time
- The WIIA grant will cover 60% of the project
- Since the new manifold was installed, the chlorine and electric use look better

RESOLUTION AUTHORIZING \$300,000 INTERFUND LOAN FROM GENERAL FUND TO THE VARYSBURG WATER IMPROVEMENT CAPITAL FUND CHECKING ACCOUNT

WHEREAS, the Town Board of the Town of Sheldon desires to provide temporary financing for expenditures related to the Varysburg Water Improvement Capital Project; and

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WHEREAS, it is permissible under Section 9-a of the New York State General Municipal Law for the Town to make an interfund advance from the General Fund to the Water Capital Project Fund, provided it is repaid in accordance with the applicable laws and regulations; and

WHEREAS, the Town's General Fund has available cash balances to temporarily advance \$300,000 to the Water Capital Project Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to transfer the sum of **\$300,000** from the **General Fund** to the **Water Capital Project Fund** as an interfund loan to carry a 3.80% interest rate, to be repaid upon receipt of NYS EFC interim loan financing or other available funds; and

BE IT FURTHER RESOLVED, that said interfund loan shall be recorded in the financial records of the Town with the following entries, consistent with the NYS Office of the State Comptroller's Accounting and Reporting Manual:

General Fund – A

- **Debit:** 391 Due from Other Funds \$300,000
- **Credit:** 200 Cash \$300,000

Water Capital Project Fund – H

- **Debit:** 200 Cash \$300,000
- **Credit:** 630 Due to Other Funds \$300,000

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Motion made by: Vince Kirsch

Seconded by: Joe Meyer

Adopted by the following vote:

Ayes: 5 Becker, Kirsch, Armbrust, Fontaine, Meyer **NAYS:** 0 **Abstain:** 0

BID AWARD

TOWN OF SHELDON-VARYSBURG WATER SYSTEM IMPROVEMENT PROJECT

WHEREAS, the Town of Sheldon received bids on July 11, 2025, at 2:00 P.M. for the construction of the Varysburg Water System Replacement Project, which includes the

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installation of approximately 6,500 linear feet of 8-inch water main replacement and related appurtenances along NYS Route 98, School Street, and US Route 20A in the Town of Sheldon; and

WHEREAS, Finline Pipeline, Inc., located at 6271 Decker Road, Livonia, New York, submitted the lowest responsible bid in the amount of one million two hundred thirty-four thousand six hundred dollars and zero cents (\$1,234,600.00), as detailed in the attached bid tabulation; and

WHEREAS, the Town Engineer, Mountain Engineering, PLLC, has reviewed the bid and recommends awarding the contract to Finline Pipeline, Inc., recommendation letter attached; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Sheldon hereby awards the contract for the Varysburg Water System Improvement Project – watermain replacement to Finline Pipeline, Inc. in the amount of \$1,234,600.00, contingent upon the contractor providing the required insurances and bonding; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the contract agreement with Finline Pipeline, Inc. upon satisfaction of the above conditions and upon review and approval of the agreement by the Town Attorney.

Offered by: Jim Fontaine

Second by: Mike Armbrust

Ayes: 5

APPROVED by unanimous vote (Becker, Fontaine, Armbrust, Meyer, Kirsch)

Mills Zoning Violation

A date has to be arranged with Twin Village to remove items from Mr. Mills' property.

Schoolhouse Museum Repairs

Councilman Fontaine offered to fix the porch railing.

Summer Swim Program

The Town Clerk reported that the swim program is going well. She relayed to the Board how impressed she was with her visits to the pool and Kimberley Piorun's professionalism in running the lessons.

Supervisor Becker thanked Katie Chmura and Carol Zittel for their help in getting the swim program running this year.

Contract with Byrnclyff for Swim Lessons

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A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the contract with Byrnclyff for the 2025 swim program at the following rate: 66 hours at \$36/hour = \$2,376.00. (2024 rate was \$34 per hour)

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

Pioneer Cemetery Trees

Councilman Fontaine will take care of cutting the trees at the cemetery. He states that he can get his lift onto the cemetery property without needing access on Ms. Schreiner's property as she has denied the Town access.

NYMIR Recommendation

Highway Department Mezzanine

Supt. Metz advised that Wyoming County Building & Codes will inspect the mezzanine, as recommended by NYMIR, on August 19th. The Superintendent believes the as-builts are in his office.

Prior Notice Law

As recommended by NYMIR, the Town Attorney has drafted a "prior notice" law for the Town Board to consider. NYMIR suggested the following: "It is suggested that the town enact a local law to supersede New York Town Law 65-A to provide maximum protection against lawsuits from defects to streets, culverts, etc. not previously notified in writing."

A motion was made by Jim Fontaine and seconded by Joe Meyer to schedule a public hearing at 7:00 p.m. on September 17, 2025 for a proposed Prior Notice Local Law.

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

Assessor Re-Appointment

A motion was made by Vince Kirsch and seconded by Joe Meyer to reappoint Mary Kern as Sheldon Town Assessor for a term of October 1, 2025 to September 30, 2031.

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

New Business:

**TOWN OF SHELDON RESOLUTION OF THE TOWN BOARD
TO SELL SURPLUS MUNICIPAL PROPERTY TO REISDORF BROS., INC.**

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, the Town of Sheldon abandoned Reisdorf Road under Section 201 of NYS Highway Law, the Town having executed a Certificate of Town Highway Abandonment on

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December 18, 2019, with such Certificate of Town Highway Abandonment filed with the Town Clerk and the Wyoming County Clerk at Liber 92 of Miscellaneous Records and Page 701; and

WHEREAS, the Town of Sheldon is the owner of the land that constituted Reisdorf Road, having been deeded such land in the deeds listed below:

- 1 Liber 153 Page 251 Dated April 18, 1911
- 2 Liber 153 Page 252 Dated April 18, 1911
- 3 Liber 153 Page 253 Dated February 27, 1911
- 4 Liber 160 Page 487 Dated October 6, 1911

WHEREAS, Reisdorf Bros., Inc. has approached the Town of Sheldon offering to pay all the cost associated with the transfer and consideration for being transferred this property; and

WHEREAS, Reisdorf Bros., Inc. is one of the largest private employers in the Town of Sheldon and has a strong history of providing quality agricultural products to the agricultural community and providing quality employment for a number of Town and County residents; and

WHEREAS, Reisdorf Bros., Inc. is an economic engine to all of Wyoming County for which the Town seeks to foster a good economic atmosphere, as having Reisdorf Bros., Inc. housed in the Town of Sheldon pays enormous economic benefits; and

WHEREAS, the Town Board of the Town of Sheldon feels that selling such land would be beneficial to the Town of Sheldon and the County of Wyoming, as such conveyance would increase the tax base; and

WHEREAS, as consideration for the purchase of the land that constituted Reisdorf Road, Reisdorf Bros., Inc. will reimburse the Town of Sheldon to offset the expenses in conveying such land; and

WHEREAS, the Town Board of the Town of Sheldon, pursuant to New York State Town Law, Section 64(2), is authorized to lease, sell and convey real property in the name of the Town, as the purposes of the municipality as a corporation may require subject to permissive referendum; and

WHEREAS, the Town Board of the Town of Sheldon has determined that the land formerly constituting Reisdorf Road in the Town of Sheldon is not needed for municipal purposes and may therefore be deemed as surplus municipal property; and

WHEREAS, said surplus property owned by the Town of Sheldon and located in the Town of Sheldon is more fully described below:

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF SHELDON, COUNTY OF WYOMING AND STATE OF NEW YORK, BEING PART OF LOT NO. 25, TOWNSHIP 9, RANGE 3, OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT IN THE SOUTH LINE OF PERRY ROAD SOUTH 87°48'10" EAST, A DISTANCE OF 126.23 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF PERRY ROAD WITH THE CENTERLINE OF THE WESTERN (MAIN LINE) TRACKS TO THE ARCADE & ATTICA RAILROAD;

THENCE SOUTH 87°48'10" EAST, ALONG THE SOUTH LINE OF PERRY ROAD, A DISTANCE OF 53.48 FEET TO A POINT;

THENCE SOUTH 24°26'52" WEST, A DISTANCE OF 590.19 FEET TO A POINT;

THENCE NORTH 87°47'55" WEST, A DISTANCE OF 72.26 FEET TO A POINT;

THENCE SOUTH 24°26'52" WEST, A DISTANCE OF 500.58 FEET TO A POINT IN THE SOUTH LINE OF LOT 25 AND THE SOUTH LINE OF TOWN OF SHELDON;

THENCE SOUTH 88°13'48" WEST, A DISTANCE OF 55.18 FEET TO A POINT IN THE EASTERLY LINE OF LANDS OF REISDORF BROS. INC., BY DEED FILED IN THE WYOMING COUNTY CLERK'S OFFICE IN LIBER 597 OF DEEDS AT PAGE 904;

THENCE NORTH 24°26'52" EAST, ALONG SAID EAST LINE OF REISDORF, A DISTANCE OF 660.00 FEET TO A POINT;

THENCE NORTH 88°13'48" EAST, A DISTANCE OF 74.55 FEET TO A POINT;

THENCE NORTH 24°26'52" EAST, A DISTANCE OF 429.32 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING 1.49 ACRES OF LAND.

; and

WHEREAS, the Town Board of the Town of Sheldon feels it is in the best interest of the Town of Sheldon, the County of Wyoming, and the agricultural-economic interest of the community to authorize sale of said surplus property for fair and adequate consideration to Reisdorf Bros., Inc.

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

RESOLVED, the Town Board of the Town of Sheldon hereby deems a portion of the property located on the former bounds of Reisdorf Road in the Town of Sheldon, New York, and more fully described below, as surplus property no longer needed for municipal purposes:

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ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF SHELDON, COUNTY OF WYOMING AND STATE OF NEW YORK, BEING PART OF LOT NO. 25, TOWNSHIP 9, RANGE 3, OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF PERRY ROAD SOUTH 87°48'10" EAST, A DISTANCE OF 126.23 FEET FROM THE INTERSECTION OF THE SOUTH LINE OF PERRY ROAD WITH THE CENTERLINE OF THE WESTERN (MAIN LINE) TRACKS TO THE ARCADE & ATTICA RAILROAD;

THENCE SOUTH 87°48'10" EAST, ALONG THE SOUTH LINE OF PERRY ROAD, A DISTANCE OF 53.48 FEET TO A POINT;

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THENCE NORTH 87°47'55" WEST, A DISTANCE OF 72.26 FEET TO A POINT;

THENCE SOUTH 24°26'52" WEST, A DISTANCE OF 500.58 FEET TO A POINT IN THE SOUTH LINE OF LOT 25 AND THE SOUTH LINE OF TOWN OF SHELDON;

THENCE SOUTH 88°13'48" WEST, A DISTANCE OF 55.18 FEET TO A POINT IN THE EASTERLY LINE OF LANDS OF REISDORF BROS. INC., BY DEED FILED IN THE WYOMING COUNTY CLERK'S OFFICE IN LIBER 597 OF DEEDS AT PAGE 904;

THENCE NORTH 24°26'52" EAST, ALONG SAID EAST LINE OF REISDORF, A DISTANCE OF 660.00 FEET TO A POINT;

THENCE NORTH 88°13'48" EAST, A DISTANCE OF 74.55 FEET TO A POINT;

THENCE NORTH 24°26'52" EAST, A DISTANCE OF 429.32 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING 1.49 ACRES OF LAND.

; and be it further

RESOLVED, that the Town Board of the Town of Sheldon hereby authorizes the Supervisor of the Town of Sheldon to execute all documents necessary to transfer the surplus municipal property to Reisdorf Bros., Inc. for fair and adequate consideration; and be it further

RESOLVED, by the Town Board of the Town of Sheldon that this resolution is subject to permissive referendum under Section 64(2) of Town Law, and that the Notice of Resolution Subject to Permissive Referendum required under Section 90 of Town Law shall be posted on the Town Notice Board and published in the Town's Official Paper by the Town Clerk within ten days of the passage of this resolution.

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APPROVED by unanimous vote (Becker, Fontaine, Armbrust, Meyer, Kirsch)

Appoint Nick Kirsch as Hearing Officer – Harris Corners Fire

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to appoint Nick Kirsch as hearing officer as outlined below.

APPOINTMENT OF HEARING OFFICER I, Brian Becker, Supervisor of the Town of Sheldon in accordance with the provisions of sections 147(f) and 150(c) of the Internal Revenue Code of 1986, as amended, hereby appoint Nick Kirsch, President of the Harris Corners Fire Department, as Hearing Officer pursuant to a certain Notice of Public Hearing attached hereto, such public hearing to be held at the Harris Corners Fire Department, 585 US Route 20A, Strykersville, New York on July 29, 2025 at 7:00 p.m. I further direct that the Town Clerk shall cause the attached notice of public hearing to be posted on the Town's website in the area of that website used to inform Town residents about events affecting the residents and that such shall be posted no later than July 22, 2025.

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

Budget Transfer

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the transfer of \$150,000.00 from A1083 Wind Power Payments Due to DA1083 Wind Power Payments Due to Highway.

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

Fraudulent Check – Suit Kote

Supervisor Becker explained the fraudulent check incident:

- The check to Suit Kote was intercepted at some point and was fraudulently forged to another name, company and address.
- Chase Bank in Philadelphia processed the fraudulent check
- Supervisor Becker notified the Wyoming County Sheriff's Office and Five Star Bank
- Supervisor Becker met with the NYS Police and gave a deposition.
- Town Bookkeeper, Katie Chmura, also met with the NYS Police

Bills:

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

A motion was made by Jim Fontaine and seconded by Joe Meyer that the

General Bills #130 to #152 for a Total of \$12,762.71, the

Highway Bills #96 to #109 for a Total of \$140,472.95, the

Lighting District bills #7 to #7 for a Total of \$704.55, the

Trust & Agency bills #11 to #12 for a Total of \$276.88, the

Varysburg Water District bills #34 to #38 for a Total of \$1,001.99, the

Varysburg Water System Improvement bills #8 to #12 for a Total of \$23,713.71 be paid.

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

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Comments from the Floor

At 7:50 p.m. Supervisor Becker opened the floor to comments.

Resident Bob Graham asked for clarification regarding the NYMIR recommendations.

Enter Executive Session

At 7:52 a motion was made by Joe Meyer and seconded by Vince Kirsch to enter into Executive Session to discuss potential litigation regarding the fraudulent check incident involving the Suit Kote payment.

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

Exit Executive Session

At 8:31 a motion was made by Vince Kirsch and seconded by Jim Fontaine to exit Executive Session regarding the fraudulent check incident involving the Suit Kote payment.

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

Adjournment

At 8:35 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the July 16, 2025 meeting of the Sheldon Town Board.

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