

**REGULAR MEETING
SHELDON TOWN BOARD
March 19, 2025**

The Regular Meeting of the Sheldon Town Board held March 19, 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, Jim Fontaine, Vince Kirsch
Absent: Mike Armbrust
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Luke Metz
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 Joe Meyer that the minutes from the February 19, 2024 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, reported the following:

ZBA Meeting

The Zoning Board of Appeals held a public hearing last night for three variance applications submitted by Boxler Farms. The ZBA will be meeting again in April for three new variance applications.

Historical Society Scholarship

The Town Clerk notified the Board of a Sheldon Historical Society scholarship. The information has been posted on the Town website and Facebook page.

Strykersville Fire Department

The Strykersville Fire Department list of 2025 officers has been received.

Strykersville Yard Sales

The Strykersville yard sales will be held June 7th and 8th. The Town Clerk is making copies of the flyer for the Historical Society.

Association of Towns Finance School

The Association of Towns Finance School will be held April 22-24 in Saratoga, NY.

Sheldon Fire Department

The Sheldon Fire Department submitted their 2024 financial report and their 2025 list of officers.

North Java Fire Department

The North Java Fire Department submitted their 2025 list of officers.

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Digitize NY

Digitize NY expects to have our items digitized in June. The books have already been returned.

Historian Letter – Permission to Use Town Hall for Speakers/Events

A letter from the Town Historian, Jeanne Mest, was distributed to the Town Board.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the use of the Town Hall to host Historical Society events/speakers.

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

Reports

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

Wyoming County Zoning Report

The Wyoming County Zoning Report was distributed via email prior to the meeting and hard copies distributed tonight.

Highway Superintendent Report

Highway Superintendent Luke Metz, reported the following:

2025 Western Star Received

The 2025 plow truck arrived. The truck looks good so far. The warranty starts when the truck is put in service. The department is performing maintenance on it to prevent rust. The bedliner has been painted to protect from chips.

2012 Peterbilt Declared Surplus

A motion was made by Vince Kirsch and seconded by Joe Meyer to declare the 2012 Peterbilt as surplus equipment.

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

New Plow Truck Ordered

A new plow truck has been ordered (\$193,062) and should arrive in August, however, the plow equipment (\$167,459) will not arrive until summer 2026. Total cost \$360,521.

12 Year Plan for Truck Replacement

Councilman Kirsch and Superintendent Metz discussed the highway department's plan to replace trucks on a 12-year rotation. Councilman Kirsch prefers to see the department stretch the life of a truck longer than 12-years. Superintendent Metz prefers not to get off the 12-year plan. All trucks will be standardized Western Star.

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President's Day Snow

There was a lot of snow on President's Day and the department has been busy pushing back banks on roads.

Highway Advocacy Day in Albany

Highway Superintendents attended advocacy day in Albany to push the legislature to add \$250 million to the CHIPS program.

Salt & Sand

Cost to refill the salt building: \$93,000. Only \$49,000 in snow accounts.

Supervisor's Report

Income Surveys – Varysburg Water

Supervisor Becker is working on the income surveys. We need at least one more within the month for RCAP to submit paperwork to NYSEFC. Supervisor Becker noted that the last USDA water loan was issued 10 years ago.

Introduction of Mary Gibson – Town Representative to Wyo. County Traffic Safety Board

Mary Gibson introduced herself stating that she lives in Strykersville; she enjoys living here and she also enjoys biking the roads. She is a member of the Strykersville Fire Company and knows the importance of safe roads. Ms. Gibson was an administrative assistant for Wyoming County Emergency Services for 1 ½ years.

NYMIR Insurance Audit

Supervisor Becker met with a NYMIR representative to audit Town-owned buildings. The auditor made some recommendations for the highway garage and Superintendent Metz will look into addressing those suggestions.

For example: weight bearing of mezzanine, documentation of children at play signs. (children at play signs discouraged by NYMIR)

The auditor visited the Town Hall/Highway building; the Historical Schoolhouse; the pumphouse; and the water tank. There were no issues documented at the pumphouse or park. If the swings and slide remain at the Schoolhouse, it will be reflected in insurance policy pricing.

Boiler Inspection

The town hall boiler is scheduled to be inspected on April 1st.

Attorney for Wind Negotiation

Supervisor Becker asked the Board their preference day for interviewing attorneys for wind contract negotiations. The meeting will be held in Executive Session but still needs to be advertised. Councilman Kirsch asked if there was a deadline for hiring an attorney. Supervisor Becker replied that the last wind payment will be in 2027.

Supervisor Becker noted the following:

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- The Town received \$700,000 from Invenergy in the first year of the wind contract.
- 2% increase due to the consumer price index each year following
- Current 20-year contract
- Payments have eliminated Town taxes
- Received \$1.1 million last year from Invenergy
- The Town has the ability to renegotiate before the current contract expires

Acceptance of Reports

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

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

Old Business:

Varysburg Water

- The two leaks discussed at the last meeting have been fixed as well as the low water pressure issue
- The electric bill has been high because the water district was pumping and pumping water. Millions more pumped than sold due to leaks.
- Supervisor Becker has been meeting with Mark Wright from Mountain Engineering regarding the upcoming water project (install of new lines)
- The District had another low chlorine event due to only 1 injector working properly – the manifold was replaced.
- Supervisor Becker has met with the Wyoming County Health Dept. regarding the low chlorine issues and they understand that the Town/District is working on corrective measures to prevent this from happening again.

Mills Zoning Violation

On March 12, 2025 Judge Kibler issued his decision on the Mills case. Attorney DiMatteo distributed Judge Kibler's written decision. The decision states that: "Mr. Mills violated Section 5110 (B)(1) of the Zoning Code of the Town of Sheldon by inappropriately storing on the property owned by him items visible from the public roadway or an abutting property." Mr. DiMatteo explains that the order basically awards the Town the opportunity to go on Mr. Mill's property to remove items. Mr. DiMatteo provided an itemized list of exhibit items. Judge Kibler's decision exempts items: 3, 13, 17, and 23.

Resolution for RFP Towing & Salvage

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 has received a copy of a Decision and Order of the Wyoming County Supreme Court dated March 12, 2025 regarding the matter of Town of Sheldon

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v. Dennis J. Mills (Index No. 9001008) and the property located at 1907 Route 20-A, Varysburg, New York 14167 (hereinafter the "Property"); and

WHEREAS, said Decision and Order authorizes the Town of Sheldon to remove various items of personal property items from the Property which are in violation of the Town of Sheldon's Zoning Code; and

WHEREAS, more specifically, the Town estimates that the following quantities of offending items need to be removed from the Property:

- i. Campers & Trailers: Approximately 26 tons
- ii. Sheet Metal / Heavy Iron: Approximately 36 tons

WHEREAS, the Town of Sheldon now desires to enlist the services of an appropriately qualified towing and recycling company or companies to assist with the removal of the offending items of personal property from the Property; and

WHEREAS, the Town of Sheldon further desires to send out a Request for Proposals to the following companies to request sealed bids for the removal of the offending personal property items from the Property:

- i. Previty's Auto Wrecking
- ii. Tidd's Towing & Recovery
- iii. Nuwer Auto Parts
- iv. Twin Village Recycling Co.
- v. Schofield Transfer & Recycling; and

WHEREAS, the Town Board of the Town of Sheldon further desires to enlist the services of the Town Attorneys, DiMatteo Roach & Kelly, Attorneys at Law, to assist with the process of drafting and sending out such Requests for Proposals; and

NOW ON MOTION OF Joe Meyer which has been duly seconded by Vince Kirsch, be it

RESOLVED, that the Town of Sheldon shall send out Requests for Proposals to the following companies for the removal of the offending items of personal property located at the Property:

- i. Previty's Auto Wrecking
- ii. Tidd's Towing & Recovery
- iii. Nuwer Auto Parts
- iv. Twin Village Recycling Co.
- v. Schofield Transfer & Recycling; and

RESOLVED, that the Town of Sheldon hereby authorizes the Town Attorney, DiMatteo Roach & Kelly, Attorneys at Law, to draft and send the Requests for Proposals to the aforesaid companies.

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

Schoolhouse Museum Repairs

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Supervisor Becker reported on the following Historical Schoolhouse projects:

- Justin Schwab is putting fresh insulation in
- Supv. Becker believes the heat was turned up too high over the winter
- Justin Schwab thinks the wood is salvageable and can be put back up
- Handrails on ramp will be replaced before yard sale weekend by Clarence Conrad
- The Kiwanis put up a Christmas tree every year near the Schoolhouse flagpole. They would like to put a permanent tree there instead. Supervisor Becker and Councilman Fontaine will try to attend the Historical Society meeting tomorrow night.

Accept Findings of Town Audit

A motion was made by Joe Meyer and seconded by Vince Kirsch to acknowledge that the financials records of the Town Clerk, Town Tax Collector, Town Justice Laura Kirsch, Town Justice Jason Janes and Town Water Rents Receiver were duly examined and to accept the 2024 audit findings as prepared in a written report dated February 18, 2025 by Don Przybyl, Municipal Accountant.

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

Lawn Mowing Quotes

A legal notice advertising for lawn mowing bids was published in the Batavia Daily and on the Town website. Only one bid was received.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to award the lawn mowing bid to Maple Tree Environmentalist, Dennis Eley, owner, per the March 6, 2025 price quote.

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

Zoning Law Update

As there are several proposed revisions to the new proposed zoning law, the Town Board feels it necessary to send the proposed law back to the planning board for revision. When the planning board refers the revised law back to the town board, the board will schedule another public hearing. It most likely will take several months before revisions are completed.

A motion was made by Jim Fontaine and seconded by Joe Meyer to refer the proposed new zoning law back to the planning board for revisions.

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

At 7:40 p.m. David DiMatteo departs the meeting.

New Business:

Baseball at Varysburg Park

Resident Billy Harvey was in attendance tonight along with other Attica baseball fathers/coaches, Brian Dominick and Corey George. They would like to utilize the Vincent Almeter Memorial Park baseball field. The Varysburg field was the home to Sheldon Baseball

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for many years, however, since the Sheldon baseball program disbanded, the field has not been used.

Mr. Harvey stated:

- There has been a little boom to the baseball program and an additional field and a field closer in proximity to the Town of Sheldon would be beneficial
- There are three fields in Attica (2 baseball and 1 softball)
- An extra field in May and June would be especially helpful
- What would the Town need from us?
- The Varysburg field is in incredible shape
- We have insurance and would add the Town of Sheldon as additional insured
- Field would be used on weeknights Monday-Thursday from 6-7:30pm from May 6th to end of June

Supervisor Becker: we used to provide the baseball program with red diamond baseball sand and our highway department used to haul it down.

Darlene Janes (park coordinator): The park has a carry in/carry out policy for garbage. Ms. Janes noted that the park is hosting a game on Saturday, May 17th between Wyoming County EMS and the Sheriff's Dept. She also offered Mr. Harvey the old baseball equipment that is in the shed behind home base. Ms. Janes noted that there are no bleachers at the field.

Councilman Kirsch: let's ask Dave DiMatteo if there is an agreement we should have in place

Motion to Approve Attica Baseball Use of VAMP

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the use of the Vincent Almeter Memorial Park baseball field by Attica Youth Baseball for the 2025 season pending a proper agreement as approved by the Town Attorney.

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

Lifeguards & Youth Director Positions

The Town Clerk, Carol Zittel, reported the following: Ruth Metzger, our youth director for the past two years, will not be able to return this year. Several lifeguards from last year will not be returning as well. She suggests that the Town offer to reimburse lifeguard certification courses for interested Sheldon youth to incentivize applicants. Lifeguard shortages have been reported across the state.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the reimbursement for lifeguard certification up to \$250 upon the completion of one season of work with the Town of Sheldon.

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

Potential Grant Applications – Youth Field Trips and Town Park

The Town Clerk was notified of two grant opportunities that may be beneficial to the Town.

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Clerk to apply for grants for youth field trip transportation reimbursement and town park playground upgrades.

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

Solicitor Permit – Invenergy Solar Panels

The Town Clerk reported that Mitchell Timblin, representing Invenergy, submitted all the required paperwork to obtain a solicitor permit in the Town of Sheldon. Mr. Timblin is soliciting land owners for solar power land leases.

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Clerk to issue a solicitor permit, pending approval from the Wyoming County Sheriff's Office, to Mitchell Timblin, representing Invenergy, to solicit land leases for solar power panels as outlined in the solicitor application on file in the Town Clerk's office.

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

Byrncliff Resort – Request for Waiver of 30-day notice Liquor License

A motion was made by Vince Kirsch and seconded by Jim Fontaine to waive the 30-day notice requirement of the liquor license renewal for Byrncliff Resort.

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

Approve Payroll Software Williamson Law Book

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the payroll software agreement with Williamson Law Book in the amount of \$1,104.00/per year. (increase of \$53 from 2024)

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

Intermunicipal Agreement – Wyoming County Zoning Services

Comments were made by residents, Thomas Jorgensen and Jim Perl.

Mr. Jorgensen: asked if the Board would advertise a Zoning Officer position for residents to apply. He mentions an interested town resident. Councilman Fontaine replies that it would take months to train a new zoning officer.

Mr. Perl: a zoning officer needs to be able to enforce the law and being a resident may make that difficult

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the 2025 intermunicipal agreement for countywide zoning enforcement services.

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

Funds Transfer

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the fund transfer of \$200,000 from A1083 wind power payments due to highway to DA1083 wind power payments due to highway.

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

Fire Company Contracts

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Public hearings need to be scheduled for the Sheldon Fire; Harris Corners Fire and Strykersville Ambulance contracts. The fire companies are aware and will be in touch with their contract requests.

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 #41 to #60 for a Total of \$125,838.38, the Highway Bills #29 to #45 for a Total of \$195,270.43, the Lighting District bills #3 to #3 for a Total of \$664.81, the Trust & Agency bills #4 to #4 for a Total of \$247.00, the Varysburg Water District bills #13 to #17 for a Total of \$1,824.67, the Varysburg Water System Improvement bills #2 to #4 for a Total of \$14,090.88 be paid. Ayes: (4) Becker, Fontaine, Meyer, Kirsch Nays: (0) Absent: (1) Armbrust Motion Carried.

Comments from the Floor

At 8:15 p.m. Supervisor Becker opened the floor to comments.

Town Park

Councilman Fontaine expressed his support of baseball at the Town Park. Councilman Kirsch thanked Darlene Janes for her efforts taking care of the Town Park. Ms. Janes replied that the park committee is considering raising the fee for park rental. The current fee is \$25. Consideration is being considered to enact a resident rate and and out-of-town rental rate.

Varysburg – Electric Car Charging Station

Supervisor Becker noted that contrary to a rumor spread that the Town squashed the idea of an electric car charging station in Varysburg; the Town would be willing to assist with making it possible to open such a business.

Adjournment

At 8:25 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the March 19, 2025 meeting of the Sheldon Town Board. Ayes: (4) Becker, Fontaine, Meyer, Kirsch Nays: (0) Absent: (1) Armbrust Motion Carried.