

**REGULAR & ORGANIZATIONAL MEETING
SHELDON TOWN BOARD
January 18, 2011**

The Regular Meeting of the Sheldon Town Board held January 18, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Lynne Metz, Mike Armbrust, Brian Becker, Paul Kirsch
Recording Secretary: Town Clerk Carol Zittel
Also Present: Highway Superintendent David Ricketson, Justice Robert Jae, Zoning Officer Ken Martin, ZBA Chairman George Knab, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Lynne Metz and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on December 21, 2010 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#1 **Tri-Town Seniors**

A thank you letter from the Tri-Town Seniors was received and read.

#2 **Fire Department Officers**

List of officers from the Varysburg and Harris Corners Fire Department was received.

#3 **NYS Association of Town's Annual Conference**

A motion was made by Mike Armbrust and seconded by Paul Kirsch to allow any Town official to attend the Association of Town's Annual Conference on February 20-23, 2011 in New York City.

Yes 5 No 0 Motion Carried.

#4 **Planning & Development Workshops**

A motion was made by Mike Armbrust and seconded by Paul Kirsch to allow any Town official to attend the Monroe County Dept. of Planning & Development 2011 workshops.

Yes 5 No 0 Motion Carried.

#5 **Town Clerk printer**

The Town Clerk advised the Board that a new printer/copier/fax/scanner is installed in the Town Clerk's office. Cost was \$249.99.

#6 **UNYTS Blood Drives**

A motion was made by Paul Kirsch and seconded by Mike Armbrust to allow Upstate NY Transplant Services to use the Town Hall for blood drives on the following dates: March 23, 2011, June 22, 2011, September 14, 2011 and December 7, 2011.

Yes 5 No 0 Motion Carried.

Reports

Financial Reports were presented for the month of December 2010 from the Town Supervisor, Town Clerk and the Town Justices. The Town Clerk annual report was also distributed.

Remaining 2010 Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the remaining 2010 General Bills #463 to #467 for a Total of \$1,993.92, the Highway Bills #261 to #261 for a Total of \$1,119.98, the Trust & Agency Bills #38 to #39 for a Total of \$905.46 and the Varysburg Water District Bills #68 to #68 for a Total of \$63.97 be paid.

2011 Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the General Bills #1 to #26 for a Total of \$15,670.78, the Highway Bills #1 to #17 for a Total of \$10,668.05, the Trust & Agency Bills #1 to #1 for a Total of \$339.45, the Varysburg Water District Bills #1 to #9 for a Total of \$2,424.47 and the Lighting District Bills for a Total of \$741.43 be paid.
Yes 5 No 0 Motion Carried.

Highway Superintendent's Report
Salt & Sand

Hwy. Supt. Ricketson reported that he ordered salt and sand 3 weeks later than last year.

2002 Peterbilt

The 2002 Peterbilt is at the garage in Batavia due to stuttering, missing problems. No codes are coming up but they will check the injectors.

New Snowblower & Sander

Councilman Becker asked how the new snowblower and sander is working. Supt. Ricketson stated they are working well.

Federal Regulations re: Narrow Band Radios

Supt. Ricketson advised the Board that the Federal Government may start mandating narrow band radios by 2013. Supt. Ricketson stated the Highway Dept. has 22 radios and some are narrow band compatible. He stated that Anthony Santoro, Wyoming County Director of Fire & Emergency Services, is looking into grant opportunities.

Supervisor Report

Supervisor Knab reported on the following items:

Wyoming County Bills

Wyoming County bills for December 2010 were \$2,094,433.77.

Meet & Greet State Senator Patrick Gallivan

The Wyoming County Chamber of Commerce is sponsoring a Community Investor Roundtable with Senator Patrick Gallivan on February 4, 2011 from 2:00-4:00PM at Beaver Hollow Conference Center.

2010 Payments Received from County

The Town of Sheldon received from Wyoming County \$103,303.41 in mortgage and snow and ice payments.

Wyoming County Youth Board

The Wyoming County Youth Board is looking for nominations for youth volunteer awards.

Acceptance of Reports

A motion was made by Paul Kirsch and seconded by Brian Becker to accept all reports as presented.
Yes 5 No 0 Motion Carried.

Old Business

Open Bids – Sale of Pickup Truck

The Town Clerk read the bid notice published in the January 6, 2011 legal ad section of the Arcade Herald and also published in the East Aurora and Attica Pennysavers. Two sealed bids were received and opened by the Town Clerk at 8:00pm.

Bid #1 \$15,110.00 bid submitted by Timothy Freyburger

Bid #2 \$14,001.00 bid submitted by Edward Hamill

Supervisor Knab stated that these bids were lower than expected. Councilman Armbrust offered to advertise the truck on Craigslist.

A motion was made by Paul Kirsch and seconded by Brian Becker to reject both bids received for the 2010 Ford F-150 pickup truck.

Yes 5 No 0 Motion Carried.

Open Bids – Construction of Cold Storage Building

The Town Clerk read the bid notice published in the December 16, 2010 legal ad section of the Arcade Herald and also published in the East Aurora and Attica Pennysavers. Supervisor John Knab stated that the Board will review the bids and award the bid at their January 25, 2011, 7:00pm audit meeting. At 8:05pm the Town Clerk opened and read the five sealed bids submitted:

Name of Bidding Company	Address	Bid Amount
Edward Hulme Inc.	17 East Buffalo St., Warsaw, NY 14569	\$83,750.00 plus \$27,500.00 for foundations, plus \$1,000.00 to extend warranty to 5 years, minus \$1,750.00 if overhangs are removed (\$110,500.00 if the above additions and deductions are made)
Just Barns, Inc./78Metals, Inc.	1676 Route 78, Java Center, NY 14082	\$118,550.00
Concept Construction	2555 Transit Rd., Elma, NY 14059	\$137,900.00
Brier Hill Contracting Inc. DBA 77 Construction	1716 Alleghany Rd., Attica, NY 14011	\$128,693.00
Straightline General Contractors	1891 French Rd., Varysburg, NY 14167	\$123,428.00

Organizational Motions 2011

Town Officials Salaries & Appointments

A motion was made by Lynne Metz and seconded by Paul Kirsch to set the salaries for Town Officials both elected and appointed as stated in the 2011 Budget as adopted:

Town Board ----- \$2,385 (4 Councilpersons)
Supervisor ----- \$8,487
Town Clerk ----- \$13,500

Supt. Of Highways ----- \$45,020
 Justices ----- \$7,956.75 each (2)
 Tax Collector ----- \$2,622
 Assessor ----- \$15,914
 Registrar of Vital Statistics ----- \$300
 Yes 5 No 0 Motion Carried.

A motion was made by Mike Armbrust and seconded by Lynne Metz to appoint the following for one year term(s), salaries as stated in 2011 Budget:

Carol Zittel as Records Management Officer (no salary)
Gertrude Hyman as Deputy Town Clerk & Deputy Registrar (\$12.50/hr)
Katie Chmura as Bookkeeper (\$18,511)
Barb Durfee as Town Historian (\$730)
Laurie Dillon as Court Clerk (\$19,604)
Katie Chmura as on-call Court Clerk (12.50/hr)
Ken Martin as Zoning Officer (\$3,939)
Matt Dillon as Dog Enumerator (\$1.50 per dog, plus mileage)
Mary Lakas as Water Rents Receiver (\$900)
TBD as Water Meter Reader (\$2,400)
TBD Exceptional Duties \$7.25 per hour
Joyce Griffen as cleaner (\$8.75/hr.)

All the afore mentioned terms of office for appointed positions, will carry over to the Organizational Meeting, if said meeting is held after December 31st of the year in which the term expires.

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the per diem salary for the Planning Board and Zoning Boards at \$25 and for the Board of Assessment Review the per diem is \$60. A motion was made by Lynne Metz and seconded by Mike Armbrust to set the annual salary for cemetery maintenance at \$200.

Yes 5 No 0 Motion Carried.

Deputy Supervisor & Deputy Highway Superintendent

A motion was made by Brian Becker and seconded by Paul Kirsch to appoint:

Lynne Metz as Deputy Supervisor and
Kevin Amedick as Deputy Highway Superintendent
 Yes 5 No 0 Motion Carried.

Depository Bank

A motion was made by Brian Becker and seconded by Lynne Metz to name as depository bank, the Five Star Bank and the Bank of Castile for General, Highway, Trust & Agency Varysburg Water District, Capital Fund, Unemployment Insurance Reserve Fund and Lighting Districts.

Yes 5 No 0 Motion Carried.

Mileage Allowance

A motion was made by Brian Becker and seconded by Lynne Metz that the rate of mileage for town business for 2011 be set at fifty cents (.50) per mile.

Yes 5 No 0 Motion Carried.

Town Attorney

A motion was made by Brian Becker and seconded by Lynne Metz to appoint John Flaherty as the Town Attorney and to pay him a \$120 hourly rate.

Yes 5 No 0 Motion Carried.

Board Appointments

A motion was made by Mike Armbrust and seconded by Paul Kirsch to appoint the following people to designated Boards and positions for the terms listed after each name:

Planning Board: Barb Farrant (1/1/11-12/31/2015)
Zoning Board of Appeals: Norm Kehl (1/1/11-12/31/2015)
Youth Recreation Board: Katie Chmura (1/1/11-12/31/2015)
Yes 5 No 0 Motion Carried.

Board Meeting Dates

A motion was made by Lynne Metz and seconded by Brian Becker that the 2011 Regular Board Meetings be held the third Tuesday of the month at 7:30 PM except for the following months: April 26, 2011 at 7:30pm at the Sheldon Town Hall, May 17, 2011 at 1:00PM at the Sheldon Elementary School in Varysburg and August 23, 2011 at 7:30pm at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

Highway Expenditure Limits

A motion was made by Mike Armbrust and seconded by Brian Becker that the Highway Superintendent be allowed to spend an amount not exceeding \$3,000 on the repair and maintenance of an individual piece of inventoried town equipment, without the Boards prior approval.

Yes 5 No 0 Motion Carried.

A motion was made by Mike Armbrust and seconded by Brian Becker that the Highway Supt. is authorized to purchase, without the Town Boards prior approval, small tools in an amount not to exceed \$1,000 per purchase. Any purchase of an individual piece of equipment in excess of \$2,000 shall be deemed a capital purchase, all of which shall be subject to Town Board approval.

Yes 5 No 0 Motion Carried.

Procurement & Investment Policy

A motion was made by Brian Becker and seconded by Mike Armbrust that the Town Board adopt the same Procurement Policy as was used in 2010 for the year 2011 with the following amendment to Guideline 2 of the policy: All purchases of (a) supplies or equipment which will exceed \$20,000 in the fiscal year or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML, 103.

Yes 5 No 0 Motion Carried.

A motion was made by Lynne Metz and seconded by Mike Armbrust that the Town Board table the vote on the adoption of the Investment Policy until the February 2011 meeting.

Yes 5 No 0 Motion Carried.

Legal Newspaper

A motion was made by Paul Kirsch and seconded by Brian Becker to designate the Arcade Herald as the Official Newspaper for 2011.

Yes 5 No 0 Motion Carried.

Town Board Committees

A motion was made by Lynne Metz and seconded by Paul Kirsch to appoint the following committees:

Street Lighting: Mike Armbrust & Lynne Metz
Building: Ken Martin, Lynne Metz & Paul Kirsch
Labor: Paul Kirsch & Brian Becker
Highway: Entire Board

Planning/Zoning: Brian Becker & Mike Armbrust

Park Committee: John Knab

Yes 5 No 0 Motion Carried.

A motion was made by Lynne Metz and seconded by Paul Kirsch to appoint Mike Armbrust as the town's representative to the Wyoming County Planning Board.

Yes 5 No 0 Motion Carried.

New Business

Youth Recreation Director

A motion was made by Brian Becker and seconded by Paul Kirsch to appoint Jenna Fontaine as Recreation Supervisor for 2011.

Yes 5 No 0 Motion Carried.

Advertise 2011 List of Officials

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Clerk to advertise in the East Aurora and Attica Pennysavers the list of 2011 Officials & Town contact information.

Yes 5 No 0 Motion Carried.

Specifications 2011 Snow Plow Truck

A motion was made by Brian Becker and seconded by Lynne Metz to authorize Highway Superintendent Dave Ricketson to draw up specifications for the purchase of a new Peterbilt 10-wheel snow plow truck.

Yes 5 No 0 Motion Carried.

Bids for Fuel Oil

A motion was made by Brian Becker to authorize the Town Clerk to advertise for bids for fuel oil with bid opening scheduled for 8:00pm at the February 15, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

Payment 2011 Pickup

A motion was made by Paul Kirsch and seconded by Lynne Metz to authorize payment of the new 2011 Highway Pickup Truck upon delivery.

Yes 5 No 0 Motion Carried.

Conference - Association of Public Historians of NYS

A motion was made by Paul Kirsch and seconded by Lynne Metz to authorize for Town Historian, Barb Durfee to attend the Association of Public Historian Conference in Elmira, NY on April 4-6, 2011 and for the cost of attendance to be deducted from her 2011 supply budget.

Yes 5 No 0 Motion Carried.

Town Hall Dumpster Contract

A motion was made by Brian Becker and seconded by Mike Armbrust to table the issue of renewing the contract with Waste Management for the Town Hall dumpster until Supervisor Knab contacts Nu-Way Sanitation regarding their pricing.

Yes 5 No 0 Motion Carried.

Fund Transfers

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve the following fund transfers:

Transfer \$70.00 from A1330.2 Tax Collection-equipment to A1330.4 Tax Collection Contr.

Transfer \$66.96 from A1640.4 Central Garage to a A1410.4 Town Clerk Contr.

Yes 5 No 0 Motion Carried.

Comments from the Floor

At 8:45PM Supervisor Knab opened the floor to comments.

Book on Farming

Resident Jim Fontaine asked Invenergy representative Mary Kehl if the book on Sheldon farming, funded by Invenergy, has been completed. Ms. Kehl responded that she will look into it.

Adjournment

At 8:50PM a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the January 18, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
February 15, 2011**

The Regular Meeting of the Sheldon Town Board held February 15, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Lynne Metz, Mike Armbrust, Brian Becker, Paul Kirsch
Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, ZBA Chairman George Knab, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Lynne Metz and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on January 18, 2011 and the Special Meeting January 25, 2011, be approved as printed and received.

Yes 5 No 0 Motion Carried.

Approval of Audit

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve the audit forms as completed at the January 25, 2011 special meeting.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#7 A list of Officers and financial reports were received from the Sheldon Fire Company and Strykersville Fire Company.

#8 The Historical Society will meet at 7pm on Thursday, February 17, 2011 at the Schoolhouse.

#9 The Town Clerk received notification from Byrnclyff Resort that they are applying to the NYS Liquor Authority to renew their State Liquor License.

Liquor Licenses

A motion was made by Mike Armbrust and seconded by Lynne Metz that the Town Board give their

approval on all liquor license applications and notifications received by the Town Clerk.

Yes 5 No 0 Motion Carried.

Byrncliff Resort – Liquor License

A motion was made by Mike Armbrust and seconded by Lynne Metz that the Sheldon Town Board has no objections to the renewal of Byrncliff Resort's liquor license.

Complaints – Garbage Pickup

#10 The Town Clerk advised the Board of two complaints received regarding Nu-Way Sanitation's policy of charging a fee for a recycling bin replacement.

Reports

Financial Reports were presented for the month of January 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Paul Kirsch and seconded by Lynne Metz that the
General Bills #27 to #63 for a Total of \$21,826.70, the
Highway Bills #18 to #32 for a Total of \$28,684.61, the
Trust & Agency Bills #2 to #6 for a Total of \$2,419.09, the
Harris Corners Fire Protection payment #1 to #1 for a Total of \$26,620.00, the
Harris Corners Ambulance Fund payment #1 to #1 for a Total of \$900.00, the
Java Fire Protection payment #1 to #1 for a Total of \$6,312.36, the
Sheldon Fire Protection payment #1 to #1 for a Total of \$70,000.00, the
Strykersville Fire Protection payment #1 to #1 for a Total of \$35,517.00, the
Varysburg Fire Protection payment #1 to #1 for a Total of \$27,788.25, the
Varysburg Fire payment #1 to #1 for a Total of \$7,820.25, the
Varysburg Water District Bills #10 to #14 for a Total of \$358.59 and the
Lighting District Bills for a Total of \$752.88 be paid.

Yes 5 No 0 Motion Carried.

Highway Superintendent's Report

Overhead Doors – Garage

Councilman Becker questioned the bill for fixing the overhead doors. Supt. Ricketson stated that the receivers were obsolete and needed to be replaced.

2002 Peterbilt

Supt. Ricketson reported that the 2002 Peterbilt is having engine problems and it is being worked on at Milton Cat.

Mack

The rear end went out on the Mack and it is being worked on at RS Mayer in Eagle, NY. The Town of Wales has loaned their truck to Sheldon in the meantime.

Heater in Garage

The heater in the garage had to be fixed. Strykersville Plumbing & Heating recommends, as they have the last two years, that the heater be replaced. Supt. Ricketson asked if we have heard any feedback from the energy audit. Supervisor Knab responded that he has not heard back on the energy audit findings.

New Pickup

The new highway pickup truck should arrive on Monday, February 21st.

Supervisor Report

Supervisor John Knab reported on the following items:

Wyoming County Bills

Wyoming County bills for January 2011 were \$1,674,060.36.

CDL Training

Cornell Cooperative Extension is offering CDL training for producers and their employees. An informational meeting is scheduled for Thursday, February 4, 2011 from 7-9pm.

Fire Department Payments

Supervisor Knab stated that all the Town fire departments have been sent their 2011 payments.

Scrap Metal Procedures

The Office of the State Comptroller recommended the adoption of a scrap metal procedures resolution. Supervisor Knab stated that he will have a copy of a policy available at the March meeting.

Stony Brook Bridge Replacement

The NYS Dept. of Transportation advised the Town of a change in work schedule for the Stony Brook bridge replacement. The bridge will be torn out for 4-6 months between April and November 2012 which will result in a detour of traffic on Rt. 20A.

Health Insurance Costs

A special meeting will be held on March 10, 2011 to discuss how the County may be able to assist Wyoming County Town's in obtaining lower health insurance rates. Supervisor Knab stated that Sheldon is in better shape than most Towns but may be able to save some money on the Highway Superintendent's health insurance costs.

Acceptance of Reports

A motion was made by Brian Becker and seconded by Paul Kirsch to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Open Bids – Sale of Pickup Truck

No bids were received. The Town Board decided against advertising the truck in the papers. The truck should be listed for sale on the town website and parked in front of the Town Hall with a for sale sign visible.

Investment Policy

A motion was made by Paul Kirsch and seconded by Brian Becker that the Town Board adopt the same Investment Policy that was used in 2010 for the year 2011. Changes to the Bank Agreement were as follows: Page 1: delete the title "Single Bank;" change Wyoming County Bank to Five Star Bank and add Bank of Castile; Page 4, Section 6a: delete the sentence "The Bank, however, shall not be liable for any loss or damage, including counsel fees, which are sustained or incurred by reason of any action or inaction by the Book Entry System or Depository.," Page 6, Section 9e: change the word "deceiving" to "receiving". Page 9, Section 9f: change the word "say" to "day." Update Exhibit A and Exhibit B.

Yes 5 No 0 Motion Carried.

Town Hall Trash Container Contract

Supervisor Knab stated that at the last board meeting, resident Jim Fontaine had suggested the Town may

be able to save money on the dumpster contract by contacting Nu-Way Sanitation. Presently, the Town pays \$162 per month to Waste Management for the use of the parking lot dumpster. Nu-Way Sanitation offered \$76 plus fuel cost per month. Supervisor Knab contacted Waste Management and they offered an \$85 per month fee which included the fuel charge.

A motion was made by Paul Kirsch and seconded by Lynne Metz to authorize Supervisor Knab to sign a contract with Waste Management at an approximate cost of \$85 a month for the use and servicing of the town hall dumpster.

Yes 5 No 0 Motion Carried.

Fuel Bids

The Town Clerk read the legal ad published in the Arcade Herald on January 27, 2011 advertising for fuel bids on unleaded gasoline and diesel fuels. The only bid received was from Reisdorf Oil & Propane, Batavia, NY 14021.

A motion was made by Brian Becker and seconded by Lynne Metz to accept the bid received from Reisdorf Oil & Propane, PO Box 395, Batavia, NY 14021, for the delivery of unleaded gasoline and diesel fuel, with a contract date of March 1, 2011 to February 28, 2011 including an option to extend the contract for three years.

Yes 5 No 0 Motion Carried.

New Business

Appointment of Town Prosecutors

A motion was made by Paul Kirsch and seconded by Brian Becker to give approval to appoint David M. DiMatteo, Attorney at Law, and David M. Roach, Attorney at Law, as Town Prosecutors for the Sheldon Town Court, for the sum of \$310.00 per appearance commencing on January 1, 2011.

Yes 5 No 0 Motion Carried.

Zoning Law Notice in Papers

The Town Clerk distributed a copy of a proposed zoning notice to be published in the Attica and East Aurora Pennysavers.

A motion was made by John Knab and seconded by Paul Kirsch to ask the Town Planning Board to review the zoning notice, making any necessary changes, with the Town Board to approve the notice at their March meeting.

Yes 5 No 0 Motion Carried.

Hiring of a Deputy Zoning Officer

A motion was made by Mike Armbrust and seconded by Brian Becker to give permission to the Town Supervisor to pursue a candidate for the position of Deputy Zoning Officer with final approval for the position to be approved by the Town Board.

Yes 5 No 0 Motion Carried.

Transfer of Varysburg Water Property to Camp Wyomoco

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize Attorney John Flaherty to draw up a deed to transfer ownership of the Varysburg Water District property for \$1.00 to Camp Wyomoco 4-H Camp located in Orangeville, NY, billing the Varysburg Water District for legal fees associated with this transfer of property.

Yes 5 No 0 Motion Carried.

Building Inspector - Construction of Cold Storage Building

Highway Superintendent Ricketson distributed a quote received for the services of a building inspector during the construction of the cold storage building. The Town Board discussed the necessity of hiring an

inspector.

A motion was made by Brian Becker and seconded by Paul Kirsch to not hire a building inspector during the construction of the cold storage building which was awarded to Ed Hulme, Inc., Warsaw, NY.

Yes 5 No 0 Motion Carried.

Highway Superintendent Conferences

A motion was made by Mike Armbrust and seconded by Paul Kirsch to give approval to Highway Superintendent Dave Ricketson to attend the C.H.I.P.S. conference in Albany in March 2011 (costs for the C.H.I.P.S. conference reimbursed by the Wyoming County Hwy. Association), the Highway Superintendent School in Ithaca, NY in June 2011 and the Highway Superintendent School in Buffalo, NY in September 2011.

Yes 5 No 0 Motion Carried.

Purchase of new Peterbilt 10 Wheel Dump Truck

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the advertisement of bids in the Arcade Herald legal ad section for the purchase of a new 2011 or newer Peterbilt 10 wheel dump truck and plow equipment accessories.

Yes 5 No 0 Motion Carried.

Advertise as Surplus Equipment – 1996 Ten Wheel Snow Plow

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the Highway Superintendent to advertise the 1996 ten-wheel snow plow as surplus equipment in the Arcade Herald legal ads and the East Aurora and Attica Pennysavers with a bid opening scheduled for 8:00pm on Tuesday, March 15, 2011 during the regular meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

Schedule Bid Opening – 2011 Peterbilt

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the Highway Superintendent and Town Clerk to open bids received for the 2011 Peterbilt 10 wheel dump truck and bids received for the truck accessories at 10:00AM on Tuesday, March 15, 2011 with bid awarding to take place at the Tuesday, March 15, 2011, 7:30 PM regular meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

Comments from the Floor

At 8:45PM Supervisor Knab opened the floor to comments. There was a short discussion on the bid award for the cold storage building.

Adjournment

At 8:55PM a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the February 15, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
March 15, 2011**

The Regular Meeting of the Sheldon Town Board held March 15, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Lynne Metz, Mike Armbrust, Brian Becker, Paul Kirsch
Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, ZBA Chairman George Knab. A signed list of all present is on file in the Town Clerk's Office.

Proclamation – Town Clerk Scholarship

Supervisor Knab asked Councilperson Lynne Metz to read the following proclamation:

Whereas, a Town is only as great as those persons who demonstrate exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

Whereas, Carol has served as the Town Clerk of the Town of Sheldon for three years; and

Whereas, the Town Board of the Town of Sheldon has recognized the importance of the Town Clerk's Office participation in education; and

Whereas, the New York State Town Clerks' Association is a professional, nonprofit association that promotes continuing education and certification through university and provides networking solutions, services and benefits to its members worldwide; and

Whereas, New York State Town Clerks' Association will be hosting a conference on May 1-May 4, 2011;

and Whereas, Carol has recognized the Town of Sheldon's gracious support of funding educational expenses and has sought to help offset the expenses whenever possible; and

Whereas, it is with honor the New York State Town Clerks' Association has recognized and paid tribute to a Town Clerk who has made strong contributions to her community and serves as a role model for her peers; and

Whereas, Carol was chosen by the New York State Town Clerks' Association Scholarship Committee as recipient of one of the scholarships given throughout New York State to attend the 2011 Town Clerks' Conference; and

Therefore, Be it Resolved that the Supervisor of the Town of Sheldon and the New York State Town Clerks' Association does hereby resolve to recognize Carol Zittel for her outstanding and heartfelt commitment to the Town of Sheldon and the great State of New York.

Dated: March 11, 2011

Change in Abstracts – February 2011 meeting

The Town Clerk advised the Board of a change to the abstract amounts for the Highway Fund from the February meeting. Voucher #28 should have been in the amount of \$4,118.40 instead of the \$1,029.60 amount entered, therefore, changing the Highway Fund total from \$28,684.61 to \$31,773.41.

Minutes

A motion was made by Lynne Metz and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on February 15, 2011 be approved as printed and received with the change in the Highway Fund abstract total from \$28,684.61 to \$31,773.41.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#11 **Varysburg Fire Dept. Financial Report** - The financial report from the Varysburg Fire Dept. was received.

#12 **Liquor License – Six Star Post American Legion**

Notification was received from the Six Star Post #637, The American Legion, Main Street Route 78, Strykersville, NY that an application has been made to the NY State Liquor Authority for an On Premises

liquor license, a change from the Club liquor license the club currently holds.

A motion was made by Mike Armbrust and seconded by Brian Becker to accept without any objections the notification from the Six Star Post of application for an On Premises liquor license.

Yes 5 No 0 Motion Carried.

#13 **Wyoming County Rabies Clinics**

The Wyoming County Health Dept. sent notification of 2011 rabies clinics being held in the County. Sheldon was not listed as a site.

#14 **Folsom Trailblazers Pancake Breakfast**

Folsom Trailblazers sent a thank you letter to area landowners and sent notice of a pancake breakfast at the Strykersville Fire Hall on Sunday, March 27th.

#15 **Wyoming County Town Clerk Assoc. Meeting**

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve for the Town Clerk to attend a Wyoming County Town Clerk meeting in Covington on March 28th allowing for the cost of a meal and mileage.

Yes 5 No 0 Motion Carried.

#16 **NYS Town Clerk Assoc. Conference**

A motion was made by Paul Kirsch and seconded by Lynne Metz to give approval for the Town Clerk to attend the NYS Town Clerk Assoc. Annual Conference in Buffalo on May 1-4, 2011 with the Town paying for any costs not covered by the \$500 scholarship received by the Town Clerk.

Yes 5 No 0 Motion Carried.

#17 **Local Govt. Conferences**

The 18th Annual Southern Tier West Local Govt. Conference at Houghton College will be held May 11th and the Spring 2011 Regional Local Govt. Workshop will be held May 13th in Pittsford, NY.

#18 **Blood Drive - UNYTS**

Upstate NY Transplant Services will hold a blood drive at the Town Hall on Wednesday, March 23rd from 2-8pm.

#19 **Wyoming County Community Hospital 100 year anniversary party** will be held Saturday, April 2nd from 2-6pm at the Courthouse. The event is free but an RSVP is required.

#20 **Consolidation of Polling Sites**

The Wyoming County Board of Elections sent a letter to Supervisor Knab recommending the Town consolidate the current three polling sites down to one site at the Sheldon Town Hall. The letter states that the Varysburg Fire Hall and American Legion do not meet the requirements set forth in the HAVA law in regards to handicapped accessible polling sites.

A motion was made by Lynne Metz and seconded by Brian Becker to table the issue of polling site consolidation for one month in order to allow Supervisor Knab to speak with the Board of Elections regarding the issue of consolidation.

Yes 5 No 0 Motion Carried.

#21 **Compliments to Highway Dept.**

The Town Clerk read an email received from a Town resident recognizing the Highway Dept. for work well done this winter.

#22 Arcade Herald Subscriptions

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve the 2-year subscription renewal of 17 Town Official subscriptions to the Arcade Herald, the official newspaper for the Town of Sheldon, at an approximate cost of \$978.

Yes 5 No 0 Motion Carried.

Reports

Financial Reports were presented for the month of February 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Paul Kirsch and seconded by Lynne Metz that the General Bills #64 to #93 for a Total of \$15,009.30, the Highway Bills #33 to #53 for a Total of \$61,475.49, the Trust & Agency Bills #7 to #10 for a Total of \$2,214.86, the Varysburg Water District Bills #15 to #22 for a Total of \$2,191.73 and the Lighting District Bills for a Total of \$685.53 be paid.

Yes 5 No 0 Motion Carried.

Highway Superintendent's Report

Patching Roads

Hwy. Supt. Ricketson stated that the Dept. has been busy patching up gravel roads and cold patching potholes. He stated that if anyone knows of any spots that need addressing, please let him know.

Shared Services with Other Counties

A motion was made by Brian Becker and seconded by Mike Armbrust to give approval to Highway Superintendent Ricketson to share highway services within the following Counties: Wyoming, Genesee, Allegany, Livingston, Cattaraugus and Erie.

Yes 5 No 0 Motion Carried.

Highway Superintendent's in Albany

Supt. Ricketson along with other NYS Highway Superintendents gathered in Albany to lobby for CHIPS funding. They met with Senator Patrick Gallivan and Assemblyman Dan Burling. Supt. Ricketson distributed to Board members a handout received in Albany which stated: "Despite owning 87% of the roads and 52% of the bridges – and shouldering nearly half of all of the traffic – local municipalities receive only 13% of the taxes and fees paid by motorists, according to a 2005 analysis commissioned by the NYS County Highway Superintendent Association. "

Declare Air Flow Sander as Surplus Equipment

A motion was made by Paul Kirsch and seconded by Brian Becker to allow the Highway Superintendent to declare the old air flow sander as surplus equipment.

Yes 5 No 0 Motion Carried.

10-Hour Work Day – Highway Department

Supt. Ricketson stated that the Highway Dept. will likely start their 10-hour day, four-day a week work schedule in April. Councilman Kirsch asked if this policy was a money saver to which Supt. Ricketson responded that this work schedule probably allows for 3-4 more hours of work a week.

Supervisor Report

Supervisor John Knab reported on the following items:

M&T Investment Group – Notice of Collateral

Notice of collateral was received from M&T Investment Group.

Flag Pole Across from Town Hall

The bills for the March meeting include a bill for a new flag for the flag pole on Town property across the street from the Town hall. The Town is responsible for the following flag poles in the Town: the Town Hall flag pole, the property across the street’s flag pole and the Historical Society flag pole.

Marcellus Shale

The Wyoming County Board of Supervisors met with the Farm Bureau to discuss Marcellus Shale gas drilling. The County has a task force working on a possible road agreement to be utilized by Wyoming County towns.

County-Wide Water

The issue of a County-Wide water district was discussed but the cost involved with such an endeavor make it unlikely in the near future.

Fraud Investigation performed by Wyoming County Social Services

Supervisor Knab stated that a Deputy is assigned at the Wyoming County Social Services Office to investigate fraud. Among other things, the Deputy is responsible for checking the identification of applicants which in itself serves as a deterrent to fraud.

Wyoming County Bills

Wyoming County bills for February 2011 were \$2,289,647.46.

WCCH Board of Managers – Health Insurance through County

The Board of Supervisors passed a resolution allowing the Wyoming County Community Hospital Board of Managers to get insurance through the County but at their own cost.

Wyoming County Community Hospital

The Board of Managers is in the process of hiring a new CEO. The Hospital employs 595 people and the Board of Supervisors feels it is important to keep the hospital open. There are only four County hospitals in the State.

Water Leaks in Town Hall Court Room

The plaster around the window in the Court room began leaking last week during a strong rain. A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize Supervisor Knab to hire a contractor to fix the water leaks around the windows in the Town Hall court room. It was suggested to wait until drier weather.

Yes 5 No 0 Motion Carried.

Contract – Cold Storage Building

Supervisor Knab asked the Town attorney to review the Contractor’s agreement for the construction of the cold storage building. Town Attorney, John Flaherty, recommended increasing the Town’s liability insurance.

Acceptance of Reports

A motion was made by Paul Kirsch and seconded by Brian Becker to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Award of Bid – 2012 Peterbilt

Only one bid was received for the purchase of a 2012 Peterbilt truck. The bid was opened at 10:00 on Tuesday, March 15, 2011 by the Town Clerk, Carol Zittel, in the presence of Highway Superintendent David Ricketson, Town Supervisor John Knab and Councilman Paul Kirsch. A signed list of those present is on file in the Town Clerk’s office. The legal ad notice published in the Arcade Herald’s February 24, 2011 was read by the Town Clerk at the 10:00AM bid opening.

A motion was made by Mike Armbrust and seconded by Brian Becker to accept the bid received from Hunter Buffalo Peterbilt, 2370 Walden Avenue, Buffalo, NY 14225 for a new and unused 2012 Peterbilt Model 367 Chassis/Cab in the amount of \$130,507.00.

Yes 5 No 0 Motion carried.

Award of Bid – Plow Equipment/Combination Dump Body/Accessories & Hydraulics

(2) Two bids were received for plow equipment and accessories. The bids were opened earlier in the day on Tuesday, March 15, 2011 at 10:00AM by the Town Clerk, Carol Zittel, in the presence of Highway Superintendent David Ricketson, Town Supervisor John Knab and Councilman Paul Kirsch. A signed list of those present is on file in the Town Clerk’s office. The legal ad notice published in the Arcade Herald’s February 24, 2011 was read by the Town Clerk at the 10:00AM bid opening.

Highway Superintendent addressed the Board and advised them that his recommendation would be to reject the bid received from Viking-Cives on the grounds that the bid did not meet the required specifications. Supt. Ricketson recommends buying from Valley Fab & Equipment in Boston, NY even though their bid was \$2,979.00 more than Viking-Cives. Supt. Ricketson stated that Valley Fab met every specification and their facility is only a 30 minute drive for parts and service. Superintendent Ricketson stated 10 separate occasions where the Viking-Cives bid deviates and does not meet specifications. Supt. Ricketson stated that on the bid materials where a yes or no answer is required, Viking-Cives answered by writing; “Viking is equal.” Superintendent Ricketson stated that on certain items Viking said they met the standards but upon Supt. Ricketson’s inspection of Viking equipment, this simply was not true. Another potential problem with Viking-Cives is the distance to their manufacturing facility in Harrisville, NY. Harrisville is a five-hour drive from Sheldon.

Company Name	Address	Bid Amount
Viking-Cives	2917 Judge Rd., Oakfield, NY 14125	\$75,700.00
Valley Fab & Equipment, Inc.	9776 Trevett Rd., PO Box 380 Boston, NY 14025	\$78,679.00

A motion was made by Mike Armbrust and seconded by Brian Becker to accept the bid received from Valley Fab & Equipment, Inc., 9776 Trevett Road., PO Box 380, Boston, NY 14025 for the purchase of (1) power tilt hitch, (1) wing system, (1) one way plow, (1) side wing, (1) 14 ft. dump body and hoist for a bid amount of \$78,679.00.

Yes 5 No 0 Motion carried.

Bids 1996 Ten-Wheel Truck

<u>Name of Bidder</u>	<u>Address</u>	<u>Amount of Bid</u>
Bruce Perl	Rt. 77, Varysburg, NY 14167	\$12,800.00
Jeremy Eiss	West Seneca, NY 14224	\$208.00
JSSJR Enterprises, Inc.	800 Cheshire Rd., Lanesboro, MA 01237	\$13,690.00

Acceptance of bid – 1996 Ten-Wheel Truck

A motion was made by Mike Armbrust and seconded by Brian Becker to accept the bid of \$13,690.00 from JSSJR Enterprises, Inc., 800 Cheshire Rd., Lanesboro, MA 01237 for the purchase of the 1996 ten-wheel snow plow with the stipulation that the truck be paid for and picked up by April 26, 2011.

Yes 5 No 0 Motion carried.

Bids 2010 Pick-Up Truck

One bid was received for the 2010 pick-up. The sealed bid was opened by Town Clerk Zittel and read aloud. Jeremy Eiss from West Seneca, NY bid \$566.00 for the 2010 Ford pickup truck.

A motion was made by Brian Becker and seconded by Mike Armbrust to reject the bid in the amount of \$566.00 from Jeremy Eiss, West Seneca, NY for the purchase of the 2010 Ford pickup truck.

Yes 5 No 0 Motion carried.

Councilman Becker asked if the Town has to continue to ask for sealed bids on the pickup. Supervisor Knab and Superintendent Ricketson responded that the Town can now sell the truck when a fair offer is made. The Town Board stated their opinion that the minimum amount should be at least \$18,000.00.

New Business

Justice Training

A motion was made by Paul Kirsch and seconded by Lynne Metz to give permission to the Town Justice's to attend Justice training in April at either the Amherst or Batavia locations.

Yes 5 No 0 Motion carried.

Zoning Notice Ad

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the publishing of a Zoning Notice advertisement in the East Aurora and Attica Pennysavers.

Yes 5 No 0 Motion carried.

Scrap Materials Policies

A motion was made by Mike Armbrust and seconded by Lynne Metz to approve the following Town of Sheldon scrap materials policies and procedures policy.

1. Department Responsibilities. Highway Departments that produce scrap metals or other materials through normal operations or dispose of junked assets and equipment that contain metal or other materials that possess scrap value are responsible for disposing of the materials in a manner which is environmentally responsible and in the best financial interest of Town of Sheldon.

2. Financial Tracking. Any Highway Department that disposes of scrap materials shall maintain accurate records for all transactions including weight slips, invoices and receipts. Town employees shall not receive cash for any transaction involving the disposal of scrap materials. Scrap processors and vendors shall be required to make payment via check directly to the Town of Sheldon. Town employees delivering the scrap to the vendor must provide a copy of the dealer's slip documenting the transaction back to the Town.

3. Storage of Materials. Highway Departments should deliver scrap materials to processors and vendors as frequently as practical. When the storage or accumulation of scrap materials is required, town highway

departments shall make every effort to secure and control these items from access by the public or from unauthorized employees.

4. Authorized Employees. Highway Superintendent shall be responsible for designating employees that are authorized to collect, handle and process scrap materials. These employees shall be briefed on scrap materials policies and procedures. Only authorized employees shall deliver scrap materials to processors and other vendors.

Yes 5 No 0 Motion carried.

Extend Contract with Suit-Kote – Liquid Bituminous

A motion was made by Brian Becker and seconded by Paul Kirsch to approve the extension of the contract with Suit-Kote Corp. for one year for liquid bituminous materials.

Yes 5 No 0 Motion carried.

Tonawanda Creek Erosion Grant

A motion was made by Mike Armbrust and seconded by Paul Kirsch to authorize Supervisor Knab to sign the grant paperwork for the Tonawanda Creek erosion grant in the amount of \$3,000.00, half of which will be reimbursed by Wyoming County, payable to grant writer, Ann McDonnell.

Yes 5 No 0 Motion carried.

Advertise Dog Enumeration

A motion was made Lynne Metz and seconded by Paul Kirsch to authorize the Town Clerk to advertise the upcoming enumeration of dogs in the East Aurora and Attica Pennysavers.

Yes 5 No 0 Motion carried.

Comments from the Floor

At 8:55PM Supervisor Knab opened the floor to comments.

Bridge Replacement – Stony Brook

Resident Joann Wert expressed her concern with the NYS Dept. of Transportation’s decision to close Route 20A during the construction of a replacement bridge at Stony Brook. Supervisor Knab said he spoke with Rick Christ from the NYS Dept. of Transportation expressing the Town’s opposition to closing the road to traffic.

Replacing Recycling Bins

Councilman Kirsch referred to last month’s Town Clerk communications notifying the Board of resident’s complaints regarding the replacement of broken recycling bins. Councilman Kirsch asked if the Town should purchase some extra bins and offer residents a replacement bin at no cost. The Board decided to address the issue when the contract for waste collection is due for renewal.

Vandalism – Vincent Almeter Memorial Park

Councilman Becker asked Varysburg resident George Knab if there have any vandalism problems at the Town park this winter. Mr. Knab responded that there were a few light bulbs broken but nothing as destructive as last year. The Wyoming County Sheriff’s Dept. is making an effort to patrol the park on a regular basis.

Adjournment

At 9:18PM a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the March 15, 2011 meeting of the Sheldon Town Board. Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
April 26, 2011**

The Regular Meeting of the Sheldon Town Board held April 26, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Lynne Metz, Mike Armbrust, Brian Becker, Paul Kirsch

Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, ZBA Chairman George Knab. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Lynne Metz that the minutes from the Regular Board Meeting on April 26, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#23 Varysburg Hotel – Liquor License

The Town Clerk received from Keith Fioretti, owner of the Varysburg Hotel, a NYS Liquor Authority alteration application notice form advising that a minor alteration will be made on an outdoor area at the Hotel.

A motion was made by Mike Armbrust and seconded by Lynne Metz to approve without objection, the receipt of the NYS Liquor Authority alteration application notice form from the Varysburg Hotel, Keith Fioretti, owner.

Yes 5 No 0 Motion Carried.

#24 Resident Complaint on Dog Fee Increase

The Town Clerk read a letter received from a resident who disagreed with the increase in dog fees. The Town Clerk explained to the Board that from the \$18.00 unspayed fee, the Town only keeps \$5.00 and from the \$9.00 spayed fee, the Town keeps only \$3.00, the remainder is sent to the County for animal control services and for an animal population fund. The Town pays for the dog licensing software, dog tags, postage and dog enumerator wages from the amount it keeps and does not make any profit from the licensing of dogs.

#25 Town of Attica Public Hearing

Notice was received from the Town of Attica regarding a Public Hearing on May 9, 2011 at 7:00pm regarding proposed amendment to the Town of Attica Zoning regulations.

Reports

Financial Reports were presented for the month of March 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Paul Kirsch and seconded by Lynne Metz that the

General Bills #94 to #135 for a Total of \$9,087.23, the

Highway Bills #54 to #84 for a Total of \$50,650.13, the

Trust & Agency Bills #11 to #16 for a Total of \$3,383.33, the

Varysburg Water District Bills #23 to #27 for a Total of \$396.49 and the

Lighting District Bills for a Total of \$671.85 be paid.

Yes 5 No 0 Motion Carried.

Highway Superintendent's Report

Equipment Report

Superintendent Ricketson reported that the Dept. has had numerous spring problems on their equipment.

Road Closings

Dutch Hollow road will be closed for approximately three weeks for a culvert replacement between

Bloecher Road and Route 20A. The bridge at Route 20A and Humphrey Rd. will be closed in July 2012 for approximately 4-6 months. The Varysburg bridge will be replaced in July 2012 but will be open for one way traffic during construction. The bridge on Dutch Hollow Rd. near Rt. 78 will be replaced in 2012 with 80% Federal money.

Supervisor Report

Supervisor John Knab reported on the following items:

Special Meetings - Tour of Town

A motion was made by Brian Becker and seconded by Mike Armbrust to set the dates of Wednesday, May 11, 2011 and Monday, May 23, 2011 at 5:00pm for a Special Meeting of the Sheldon Town Board to tour the Town via bus and that the meetings be advertised in the legal ad section of the Arcade Herald.

Yes 5 No 0 Motion Carried.

PILOT payment High Sheldon Wind Farm

The Town received the PILOT payment for the High Sheldon Wind Farm from the Wyoming County IDA in the amount of \$36,710.96. Wyoming County received \$47,386.65, Attica Schools received \$97,747.08 and Pioneer Schools received \$10,132.06.

Time Warner Payment

A franchise fee payment of \$18,809.00 was received from Time Warner.

Sale of 2010 Ford Pickup

Since the last board meeting the Town sold the 2010 Ford pickup to David Christ for \$18,000.00. Supervisor Knab stated that after calculating the original cost of purchase and the sale price it ended up costing the Town only \$659.00 to drive the truck for one year.

Sale of 1996 Plow

The check from Village Truck Sales for the 1996 plow truck was cashed and deposited.

Wyoming County Planning Board

Frank Moffatt, Chairman of the Sheldon Planning Board, has been appointed to the Wyoming County Planning Board.

Election Polling Sites

Supervisor Knab stated that the Town will have three polling sites for the May Special Election. He informed the Board of Elections that handicapped signs will be posted at the sites. The Board of Elections offered to provide the signs. Supervisor Knab noted that the Arcade Herald had mistakenly reported that the Town would be consolidating polling sites. The Town will continue to have three sites.

Wyoming County Bills

Wyoming County bills for March 2011 were \$2,428,022.85.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

New Business

A motion was made by Paul Kirsch and seconded by Brian Becker to approve the purchase of "horses ahead" road signs along with the purchase of various road sign replacements that will meet the new Federal requirements.

Yes 5 No 0 Motion Carried.

Justice Training

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to Justice Robert Jae to attend court training in Batavia, NY on May 4, 2011.

Yes 5 No 0 Motion Carried.

Payroll Software Contract

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the Town Supervisor to sign the bookkeeper payroll software with Williamson Law at an annual cost of \$605.00.

Yes 5 No 0 Motion Carried.

Contract – Town Hall Rugs

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Supervisor to sign the 5-year contract with Cintas Corp. with the stipulation that the price does not exceed \$70-\$80 per month.

Yes 5 No 0 Motion Carried.

Public Hearing – Sheldon Fire Company

WHEREAS, the Town Board of the Town of Sheldon has received a written request from the Sheldon Fire Company, Inc., which seeks to amend its certificate of incorporation and to permit it to operate as a tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Section 404(f) of the New York State Not-for-Profit Corporation Law requires the approval of the Sheldon Town Board upon public hearing of Sheldon Fire Company’s application; and

WHEREAS, based on such request, may be in the public interest, and a public hearing on the matter should be held for such purposes, pursuant to Section 404(f) of the New York State Not-for-Profit Corporation Law.

NOW THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Sheldon shall convene and conduct a public hearing on May 17, 2011 at 1:00 p.m. at the Sheldon Elementary School, 2588 School Street, Varysburg, New York 14167 for the purpose of considering the Sheldon Fire Company, Inc. amendment of its certificate of incorporation and to permit it to operate as a tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code, and that notice thereof shall be given by the Clerk as required by law.

Motion made by Brian Becker and seconded by Lynne Metz.

Knab Yes
Kirsch Yes
Becker Yes
Armbrust Yes
Metz Yes

Yes 5 No 0 Motion Carried.

Town of Sheldon Lead Agency - SEQR

A motion was made by Mike Armbrust and seconded by Lynne Metz to name the Town as lead agency for the State Environmental Quality Review for the construction of a cold storage building at the Town hall.

Yes 5 No 0 Motion Carried.

Agricultural Windmill Fees

A motion was made by Brian Becker and seconded by Mike Armbrust to set the fee for agricultural wind turbines at \$250.00.

Knab Yes
Kirsch No
Becker Yes
Armbrust Yes
Metz No

Yes 3 No 2 Motion Carried.

Paving Vincent Almeter Memorial Park

Supervisor Knab stated that \$6,000.00 had been budgeted in 2011 for a new lawn mower for the Town park, however, the park committee informed Supervisor Knab that they can get another year out of the current mower.

A motion was made by Brian Becker and seconded by Paul Kirsch to approve the paving of approximately 400 ft. of the walking path/driveway at the Vincent Almeter Memorial Park.

Yes 5 No 0 Motion Carried.

Sealing Town Hall Parking Lot – Paving Walking Path

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the request for quotes for the sealing of the Town parking lot and the walking path at the Town park.

Yes 5 No 0 Motion Carried.

Grant Application – Varysburg Water District

Supervisor Knab stated that the reservoir was built in 1934 and that the walls are now cracked. The cost for the writing of the grant is approximately \$4,000.00-\$5,000.00 with Wyoming County paying for half of the cost and the Town of Sheldon paying for the remaining 50%.

A motion was made by Paul Kirsch and seconded by Brian Becker to give permission to the Varysburg Water District to contract with TVGA Consultants for grant writing services for a new reservoir and water system improvements.

Yes 5 No 0 Motion Carried.

Comments from the Floor

There were no comments from the floor.

Adjournment

At 8:56PM a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the April 26, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
May 17, 2011**

The Regular Meeting of the Sheldon Town Board held May 17, 2011 at the Sheldon Elementary School, Varysburg, NY, was called to order by Supervisor John Knab at 1:00 PM.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, (Councilwoman Metz arrived at 1:39 p.m.)
Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, ZBA Chairman

George Knab, Justice Robert Jae, Arcade Herald reporter Brianna Church, Sheldon Fire Company Treasurer Ron George, Mrs. Alderman's and Mrs. George's fourth grade students from Sheldon Elementary and approximately 15 others. A signed list of all present is on file in the Town Clerk's Office.

Public Hearing – Sheldon Fire Company

Town Clerk Zittel read the public hearing notice published in the 4/28/11 and 5/5/11 editions of the Arcade Herald. Supervisor Knab opened the hearing on the amendment to the certificate of incorporation of the Sheldon Fire Company at 1:00 p.m.

Minutes

A motion was made by Brian Becker and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on April 26, 2011 be approved as printed and received.

Yes 4 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#26 **Verizon Wireless/Town Hall phones** - The Town Clerk met with a representative from Verizon Wireless who explained a phone service called Home Phone Connect. The price for unlimited domestic calls is \$19.99 a month. The Town Board asked Supervisor Knab to get more information and ask the Verizon representative to attend the June meeting.

#27 **Dog Control Inspection Report & Municipal Shelter Inspection Report**

NYS Dept. of Ag & Markets sent a Dog Control Officer Report and a Municipal Shelter Inspection Report. Both reports gave a satisfactory rating.

#28 **NYSTCA Conference**

Town Clerk Zittel attended the NYS Town Clerk Association Conference May 1-4, 2011.

#29 **Meetings/Conferences**

Wyoming County Town Clerk Association Meeting

A motion was made by Paul Kirsch and seconded by Brian Becker to authorize the Town Clerk's attendance at the Wyoming County Town Clerk's Association's June 27, 2011 meeting at the Wyoming County Animal Shelter.

Yes 4 No 0 Motion Carried.

Highway Superintendent School

A motion was made by Paul Kirsch and seconded by Brian Becker to authorize the Highway Superintendent's attendance at the NYS Highway Superintendent Association's June 7, 2011 meeting at Ithaca College.

Yes 4 No 0 Motion Carried.

#30 **Swim Sign-Ups**

Swim sign-up dates were announced.

#31 **Strykersville Yard Sales** - Strykersville Yard Sales will be held June 4-5, 2011.

Reports

Financial Reports were presented for the month of April 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Mike Armbrust and seconded by Paul Kirsch that the General Bills #136 to #163 for a Total of \$12,486.32, the Highway Bills #85 to #94 for a Total of \$14,902.34, the Trust & Agency Bills #17 to #18 for a Total of \$445.51, the Varysburg Water District Bills #28 to #37 for a Total of \$2,302.62 and the Lighting District Bills for a Total of \$618.88 be paid.

Yes 4 No 0 Motion Carried.

Highway Superintendent's Report

Planned Summer Work

Hwy. Supt. Ricketson will have quotes for the paving of Bartz Rd., Brookledge and Marie Drive by the May 23rd Town Board bus tour.

Gravel Roads

All gravel roads in the Town have been graded, although the May 13th rain washed a few out.

Flood Damage

Supt. Ricketson reported on the May 13th flood damage to Humphrey, Thomas and Humbert Roads.

Equipment

The 99 pickup has had motor problems. It has been taken to Ray's World in Bennington. Councilman Becker asked if the Hwy. Dept. had a code reader. Supt. Ricketson responded no.

Highway Department Laptop

A motion was made by Paul Kirsch and seconded by Brian Becker to authorize Highway Superintendent Ricketson to purchase a new laptop computer.

Yes 4 No 0 Motion Carried.

Supervisor Report

Supervisor John Knab reported on the following items:

Town Equalization Rate

The NYS Office of Real Property Tax Services sent notice that the Town of Sheldon's new equalization rate for 2012 will 90%, down from 93% last year. Assessor Valerie Piridy suggested waiting another year for reevaluation.

Mortgage Tax Payment

The Town received the first mortgage tax installment payment of \$12,434.62.

Marcellus Shale Conference

A motion was made by Paul Kirsch and seconded by Brian Becker to authorize for any Town Board member to attend a conference hosted by the NYS Assoc. of Towns, Cornell University Community & Regional Development and Cornell Cooperative Extension on Friday, June 24, 2011 on natural gas drilling and Marcellus shale hydraulic fracturing at the Binghamton Riverwalk Hotel & Conference Center.

Yes 4 No 0 Motion Carried.

Court Fines

The Town's share of Court fines for March was \$6,000.00. The State's share was \$5,800.00.

Acceptance of Reports

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

Yes 4 No 0 Motion Carried.

New Business

Zoning Violation Fine

A motion was made by Brian Becker and seconded by Paul Kirsch to set the fine for violation of the Town of Sheldon Zoning Law at \$350.00.

Yes 3 No 1 Motion Carried.

Knab Yes
Kirsch Yes
Becker Yes
Armburst No
Metz Absent

Contract Byrncliff Resort – Swimming Lessons

A motion was made by Brian Becker and seconded by Paul Kirsch to give permission to Supervisor Knab to sign a contract with Byrncliff Resort for swimming lessons in the amount of \$1,375.00.

Yes 4 No 0 Motion Carried.

Closing Manley Road - Fireworks

A motion was made by Paul Kirsch and seconded by Brian Becker to authorize the closing of Manley Road during the fireworks show at Jam in the Valley on July 2, 2011.

Yes 4 No 0 Motion Carried.

Cemetery Maintenance

A motion was made by Paul Kirsch and seconded by Mike Armbrust to authorize the Town to upfront the money for the maintenance work on the cemetery located at Perry Rd. and Route 77 in the amount of \$8,250.00.

Yes 4 No 0 Motion Carried.

At 1:39 p.m. Councilperson Metz arrived.

Close Public Hearing – Sheldon Fire Company

A motion was made by Paul Kirsch and seconded by Mike Armbrust to close the public hearing on the amendment to the certificate of incorporation of the Sheldon Fire Company, Inc.

Yes 5 No 0 Motion Carried.

Approval of Amendment to Certificate of Incorporation

A motion was made by Mike Armbrust and seconded by Paul Kirsch to approve the Certificate of Amendment to the Certificate of Incorporation of the Sheldon Fire Company, Inc. (the “Corporation”) amending the Certificate of Incorporation and the purposes of the Corporation to include the Corporation operating as a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

Yes 5 No 0 Motion Carried.

Comments from the Floor

The following questions were asked by Mrs. Alderman’s and Mrs. George’s fourth grade students from Sheldon Elementary School. Various board members responded to each question.

Do you like being a Board member?

How long are board meetings?
How bad are the road conditions?
How long have there been Board meetings?
How do your decisions affect the Town?
Can students be involved?
What are zoning laws?
How often do you meet?
Why do you have Board meetings?

Adjournment

At 1:56PM a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the May 17, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**SPECIAL MEETING
SHELDON TOWN BOARD
May 11, 2011**

The Special Meeting of the Sheldon Town Board held May 11, 2011 at 5:00 p.m. was conducted on a Becker school van in order for the Board to examine town roads.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Recording Secretary: Town Clerk Carol Zittel

The Town Board traveled the roads on the East Side of the Town inspecting road conditions. No resolutions or actions were taken.

**SPECIAL MEETING
SHELDON TOWN BOARD
May 23, 2011**

The Special Meeting of the Sheldon Town Board held May 23, 2011 at 5:00 p.m. was conducted on a Becker school van in order for the Board to examine town roads.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Highway Superintendent Dave Ricketson
Also present: Donna Kozlowski

The Town Board traveled the roads on the West Side of the Town inspecting road conditions. No resolutions or actions were taken.

**REGULAR MEETING
SHELDON TOWN BOARD
June 21, 2011**

The Regular Meeting of the Sheldon Town Board held June 21, 2011 at the Sheldon Town Hall, was

called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Recording Secretary: Town Clerk Carol Zittel
Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, ZBA Chairman George Knab, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Lynne Metz that the minutes from the Regular Board Meeting on May 17, 2011 and the minutes from the tour of roads on May 11, 2011 and May 23, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

Planning & Zoning Training

#32 A motion was made by Brian Becker and seconded by Paul Kirsch to approve for Planning & Zoning Board members to attend the Association of Town's Planning & Zoning school on July 19, 2011 at the Marriott Amherst.

Yes 5 No 0 Motion Carried.

Hydraulic Fracturing – Town of Wales

#33 The Town Clerk received a copy of a proposed Local Law for the Town of Wales prohibiting drilling and hydraulic fracturing. The Sheldon Town Board members asked that a copy of the law be distributed to each of them.

Buffalo Hill Village – Fireworks Permit

#34 The fireworks permit from Buffalo Hill Village was approved by the Town Clerk on May 27, 2011.

Byrncliff Liquor License

#35 Byrncliff Inc. sent notice to the Town that they are applying to renew their existing liquor license. A motion was made by Mike Armbrust and seconded by Lynne Metz to approve without objection, the receipt of the NYS Liquor Authority renewal application form from Byrncliff Inc., Varysburg, NY.

Yes 5 No 0 Motion Carried

Small Wind Energy Conversion Law

#36 Proposed Local Law 1-2011 for the Town of Sheldon entitled: "Small Wind Energy Conversion Systems Law" was distributed to Board members along with proposed changes from the Town Attorney. The Planning Board will review the Attorney's suggestions at their next meeting.

Census Report

#37 Census report – Wyoming County Planning Board sent a census report. The Town of Sheldon's Population decreased by 152 people from the last census taken ten years ago.

Landscaping Town Hall

#38 A motion was made by Paul Kirsch and seconded by Mike Armbrust to hire a landscaper for the Town Hall property.

Yes 5 No 0 Motion Carried.

Garbage Services

#39 A Town resident voiced a complaint to the Town Clerk about garbage pick-up service stating that garbage was left strewn across their lawn.

Reports

Financial Reports were presented for the month of May 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the
General Bills #164 to #211 for a Total of \$21,400.48, the
Highway Bills #95 to #120 for a Total of \$25,408.32, the
Trust & Agency Bills #19 to #25 for a Total of \$3,012.16 the
Varysburg Water District Bills #38 to #42 for a Total of \$372.08 and the
Lighting District Bills for a Total of \$614.85 be paid.

Yes 5 No 0 Motion Carried.

Highway Superintendent's Report

New Laptop Computer

Supt. Ricketson stated that his new laptop computer is up and running.

New Peterbilt

The new Peterbilt should be ready for pickup on July 25th.

Bartz Rd.

Work on Bartz Rd. is scheduled for the middle of July.

Paving of Walking Path – Town Park

The park walking path is graded and ready to be paved.

Highway School

Highway School at Ithaca was very worthwhile.

Supervisor Report

Supervisor John Knab reported on the following items:

Change in Meeting Agenda

Supervisor Knab asked the Board if they had any objections to changing the meeting agenda so that the motion to pay the bills comes at the end of the meeting. The Board had no objections to this change. Superintendent Ricketson asked that any questions regarding highway bills be asked during his report.

County Bills

Wyoming County bills for the month of May were \$1,042,920.00

Wyoming County Hospital

The County finance department has taken over the Hospital finances. The County has put over \$10 million into the hospital in the last two years. The Board of Supervisor's will now have more control over hospital decisions.

State Senator Patrick Gallivan Town Hall Meeting

A Town Hall meeting with Senator Gallivan is scheduled for July 6th at 12:30 p.m. at Byrnclyff. Councilman Kirsch commented on how supportive Byrnclyff is of Town functions.

Closing of Bridge on 20A

The bridge at Humphrey Rd. and Route 20A is scheduled to be closed in July 2012 for 2-3 months.

Acceptance of Reports

A motion was made by Brian Becker and seconded by Paul Kirsch to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Verizon Wireless

Sam Conjerti, Verizon Wireless Government Executive, addressed the Board regarding switching the Town Hall and Historical Society phones from Time Warner to Verizon’s Home Phone Connect service.

A motion was made by Brian Becker and seconded by Mike Armbrust to pursue the switching of phone service from Time Warner to Verizon Home Phone Connect as long as there is not a conflict with any contract currently held with Time Warner.

Yes 5 No 0 Motion Carried.

The Town Clerk will follow up with Sam Conjerti.

Electric for New Cold Storage Building

Supervisor Knab informed the Board that Ed Hulme Inc. relayed a quote from a contractor for over \$12,000 to install the electrical wiring in the new cold storage building to be built. Don Simons of Francis A. Simons & Assoc., Inc., 425 Factory Rd., Strykersville, NY 14145, was present at the meeting and presented a quote of \$5,852. Councilman Kirsch questioned the use of metal halide low bay fixtures. Mr. Simons responded that he prefers metal halides over fluorescent.

A motion was made by Mike Armbrust and seconded by Brian Becker to accept the quote from Francis A. Simons & Assoc., Inc., 425 Factory Rd., Strykersville, NY 14145 in the amount of \$5,852.00 to provide electrical work in the new cold storage building.

Yes 5 No 0 Motion Carried.

Sheldon Baseball – Request for Erie Ball Mix

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve the purchase of Erie Ball Mix at an approximate cost of \$1,200 - \$1,500 for the infield of the ball diamond at the Vincent Almeter Memorial Park in Varysburg.

Yes 5 No 0 Motion Carried.

Grant Writing Services

A motion was made by Brian Becker and seconded by Mike Armbrust to give permission for Supervisor Knab to sign a contract with TVGA Consultants, 620 Main Street, Buffalo, NY 14202 for grant research and to prepare an income survey and engineering report for the Varysburg Water Project.

Yes 5 No 0 Motion Carried.

Deputy Zoning Officer

A motion was made by Mike Armbrust and seconded by Brian Becker to set the salary of the Deputy Zoning Officer at \$2,000.00

Yes 5 No 0 Motion Carried.

Zoning Enforcement Procedures

A motion was made by Mike Armbrust and seconded by Brian Becker to approve the new zoning enforcement procedures recommended by Attorney Flaherty and to approve the new zoning permit.

Yes 5 No 0 Motion Carried.

Town Hall Court Room – Wall Repairs

There was a discussion on the water damage in the Court room, specifically the court room walls. Supervisor Knab asked the Board their opinion on how to proceed with the repairs. Councilman Armbrust offered to speak to someone he knows with expertise in this area to ask for assistance in writing the specifications.

A motion was made by Lynne Metz and seconded by Brian Becker to table discussion on the Town Hall court room repairs until specifications can be prepared.

Yes 5 No 0 Motion Carried.

Agreement to Spend Town Highway Funds

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve and sign the agreement to spend town highway funds.

Yes 5 No 0 Motion Carried.

Comments from the Floor

There were no comments from the floor.

Executive Session

At 9:10 p.m. a motion was made by John Knab and seconded by Lynne Metz to enter into executive session for the discussion of zoning matters and legal matters.

Yes 5 No 0 Motion Carried.

The following people were present in the executive session: Supervisor Knab, Paul Kirsch, Lynne Metz, Brian Becker, Mike Armbrust, Carol Zittel and Ken Martin.

At 9:30 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to end the executive session.

Adjournment

At 9:30 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the June 21, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2011**

The Regular Meeting of the Sheldon Town Board held July 19, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

- Present: Supervisor John Knab
- Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
- Recording Secretary: Town Clerk Carol Zittel
- Absent: Highway Superintendent David Ricketson
- Also Present: Zoning Officer Ken Martin, ZBA Chairman George Knab. A signed list of all present is

on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Lynne Metz that the minutes from the Regular Board Meeting on June 21, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#40 **Dog Enumeration:** The dog enumeration has begun.

#41 **Town Hall Phone Service:** The Town does have a contract with Time Warner for phone service until December 2011.

A motion was made by Brian Becker and seconded by Lynne Metz to remain with Time Warner for phone service until the contract expires in December 2011.

Yes 5 No 0 Motion Carried.

Councilman Armbrust suggested that the Town look into the possibility of consolidating fax machines since currently there are four fax machines for four separate offices.

Reports

Financial Reports were presented for the month of June 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Bills:

A motion was made by Paul Kirsch and seconded by Lynne Metz that the

General Bills #212 to #243 for a Total of \$47,696.12, the

Highway Bills #121 to #133 for a Total of \$8,218.04, the

Trust & Agency Bills #26 to #29 for a Total of \$1,172.92 the

Varysburg Water District Bills #43 to #49 for a Total of \$986.67 and the

Lighting District Bills for a Total of \$606.12 be paid.

Yes 5 No 0 Motion Carried.

Highway Superintendent's Report

Highway Superintendent Ricketson was not present at the meeting.

Supervisor Report

Supervisor John Knab reported on the following items:

Wyoming County Bills

Wyoming County bills for the month of June were \$3,064,699.15.

Board of Supervisors Meeting at Wyoming County Fair

The next Board of Supervisors Meeting will be held on August 16th at 2:00 pm at the Wyoming County Fair in the Youth Building. A Public Hearing will be held on a proposed Local Law regulating the weight and size of trucks using County roads. This Local Law is in response to anticipated traffic during the drilling of gas.

Fire Training Center Building

The Board of Supervisors approved the construction of a pole type storage building at the fire training center for County vehicles and trailers. The amount of construction is not to exceed \$200,000.00.

Varysburg Water District

Supervisor Knab met with members of the Varysburg Water Board on July 18th. An informational meeting has been scheduled for September 14th at the Varysburg Fire Hall. An income survey will be sent to all customers of the Varysburg Water District. This is in regards to the grant application. 85%-90% participation is required for the grant to be approved.

Wyoming County Jail

The Wyoming County Jail is at full capacity. Fifteen inmates had to be boarded out as of July 12, 2011. If NYS parolees violate their parole while in Wyoming County, they stay in the Wyoming County jail with no reimbursement from New York State.

Cold Storage Building

Construction of the cold storage building at the Town Hall has not begun. Supervisor Knab pointed out to the Board that per the contract, a \$100.00 per day penalty can be assessed for every day the building is not complete after June 30, 2011.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

Old Business

Court Room Walls

Sheldon Fire Company – Amendment of Certificate of Incorporation

Sheldon Fire Company treasurer, Ron George, addressed the Board regarding the need to amend the Certificate of Incorporation approved by the Sheldon Town Board on May 17, 2011. Minor revisions to the wording were the only changes.

A motion was made by Brian Becker and seconded by Paul Kirsch to approve the amendment of the Certificate of Incorporation for the Sheldon Fire Company, Inc.

Yes 5 No 0 Motion Carried.

Town Board Room Walls

Keith Tozier of Tozier Enterprises, Varysburg, NY addressed the Board and offered a quote for the repair of the Board room walls which suffered water damage. The Town Board had a lengthy discussion on what would be the best way to repair the walls. It was decided that the walls should be completely torn down and completely replaced. Keith Tozier said he would contact an electrician for quotes on moving the heaters and would also re-work his quote to include tearing down the existing walls. Supervisor Knab asked Mr. Tozier to have a quote for the next meeting August 23rd.

New Business

Appoint Deputy Zoning Officer

Supervisor Knab informed the Board that Frank Moffatt, Chairman of the Town Planning Board, would

be interested in being Deputy Zoning Officer. The Town Board felt it would be a conflict of interest for him to hold both positions. Supervisor Knab said he would talk to Mr. Moffatt and see what he would like to do.

Judi Laird to address Town Board

Varysburg resident and business owner, Judi Laird, addressed the Town Board regarding the need of a sewer system in Varysburg. Varysburg resident and business owner, Chris Siracuse, also addressed the Board. He stated that he would like the Town's permission to start a committee that would work on creating a business plan to obtain state and/or federal funding for Town revitalization projects. This committee would report to the Town. Mr. Siracuse also stated that they would encourage any board member to also become involved. Ms. Laird stated that Varysburg could use sidewalks. Supervisor Knab stated that since Varysburg is a hamlet and not a village, the sidewalks are owned by the property owners and are their responsibility. Councilman Armbrust stated that the State requires public water for a public sewage system. Supervisor Knab stated that he did some research and the cost of a public sewer system in Varysburg would be approximately \$4 million. Councilperson Metz stated that forming a committee could not hurt. Councilman Becker also expressed his support and offered to be a liaison with the committee when it is formed.

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the formation of a committee to address the revitalization of the hamlet of Varysburg.

Yes 5 No 0 Motion Carried.

Highway Superintendent Conference

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to Highway Superintendent Dave Ricketson to attend the NYS Highway Superintendent Conference on September 27-30, 2011 at the Adam's Mark Hotel in Buffalo, NY.

Yes 5 No 0 Motion Carried.

Mileage Reimbursement

A motion was made by Mike Armbrust and seconded by Brian Becker to set the rate of mileage reimbursement to .555 effective August 1, 2011.

Yes 5 No 0 Motion Carried.

Supervisor Knab noted that Dog Enumerator, Matt Dillon, will be paid the new rate for mileage during the enumeration.

Fund Transfer

A motion was made by Lynne Metz and seconded by Paul Kirsch to approve the transfer of \$7,000.00 from A7110.2 (Town Park Equipment) to A7110.4 (Town Park Contractual) to pay for the paving of the driveway/walking path.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Varysburg Park Walking Path

Resident Joanne Wert commented on how nice the paving at the park looks. She commented that more and more people are taking advantage of the walking path in Varysburg.

Shingles – Town Park Pavilion

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve to pay for the materials to shingle the town park pavilion with the Lions Club providing the labor free of charge.

Yes 5 No 0 Motion Carried.

Resident and Lions Club member, Mike Almeter, noted that the cost of materials for the shingling of the town park pavilion should be less than \$872.00.

Adjournment

At 8:45 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the July 19, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
August 23, 2011**

The Regular Meeting of the Sheldon Town Board held August 23, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Recording Secretary: Town Clerk Carol Zittel
Highway Superintendent David Ricketson

Also Present: Zoning Officer Ken Martin, ZBA Chairman George Knab. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Lynne Metz that the minutes from the Regular Board Meeting on July 19, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#42 **Garbage Pickup** – Received a complaint via email from a Humphrey Rd. resident advising that garbage was left strewn across their property after the sanitation trucks went through. A photo was also attached.

#43 **NYS Liquor License Renewals**

A motion was made by Lynne Metz and seconded by Paul Kirsch to accept without objection the NYS Liquor renewal application forms from the Six Star Post, Route 78, Strykersville and Byrnclyff Resort, 2357 Humphrey Rd., Varysburg.

Yes 5 No 0 Motion Carried.

#44 **Planning Workshops** – A motion was made by Lynne Metz and seconded by Paul Kirsch to approve for any appointed or elected Town official to attend any and/or all of the following Monroe County Planning & Development Dept. workshops to be held 9/26/11, 10/6/11, 10/27/11 and 11/3/11 at the Monroe Community Hospital at a cost of \$25.00 per workshop.

Yes 5 No 0 Motion Carried.

#45 **Letter from Assemblyman Dan Burling** – Assemblyman Burling sent a letter explaining his reasons for voting against the tax cap legislation brought before the NYS Legislature.

#46 **Praller Litigation** – Town of Sheldon was served papers notifying the Town that Joe Praller is petitioning for a lower assessment for property owned in Varysburg. The Town Board discussed the issue

and Supervisor Knab advised that he sent the paperwork to Attorney John Flaherty who will be representing the Town in the matter.

#47 **North Java Fire Company** – The Town Clerk received the list of Officers and 2010 financial report from the North Java Fire Company.

#48 **Sale of Town Fans** – Deputy Town Clerk, Gertrude Hyman, asked if the Town would be interested in selling two old upright fans which have been in storage for years at the Town Hall. A motion was made by Lynne Metz and seconded by Brian Becker to sell two fans at a cost of \$5.00 each to Gertrude Hyman.

Yes 5 No 0 Motion Carried.

Reports

Financial Reports were presented for the month of July 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Town Financial Statement

A copy of the Town of Sheldon Financial Statement through July 31, 2011 was distributed to each Board Member.

Highway Superintendent's Report

Bartz Rd.

Bartz Rd. overlay is complete. The cost was \$9,638.61 higher than the estimated \$63,849.39. Total cost was \$73,488.28. The increase was due to the rise in cost of asphalt.

Factory Rd. Paving

Pave date is set tentatively for September 6th. The 2011 CHIPS money will be used for this project. The Highway Dept. has replaced one culvert and shimmed the bad spots to prepare it for the top coat of blacktop. Supt. Ricketson asked the Town Clerk to post the pave date on the Town website and in the email newsletter.

Crack Sealed

The Dept. rented a unit from Crafcoc Inc. and purchased 4.5 ton of asphalt sealer.

The cost was: \$2,100 for equipment rental and \$4,500 for the sealer for a total of \$6,600.

The quote from Suit-Kote was: \$12,000-\$13,000 (quote includes their crew performing the sealing)

The quote from Midland was: \$15,000 (quote includes their crew performing the sealing)

Hwy. Supt. Ricketson stated that approx. 8 ½ miles of road was crack sealed. He was very satisfied with the company Crafcoc.

Other Road Work

The Hwy. Dept. was busy doing shoulder repairs, hot patching potholes, working with other Towns of Attica, Arcade, Orangeville and Bennington.

Equipment

2000 Mack

RS Maher repaired a leaking pinion seal which was still under warranty. They also repaired another seal and that invoice is in the bills to be paid.

New Peterbilt

The new Peterbilt is in and the Hwy. Supt. looked it over. It is now at Boston Valley Fab for body & plow equipment.

2006 Peterbilt

The 2006 Peterbilt broke down in Wethersfield today. RS Maher responded and fixed the problem of a faulty fuel shutoff valve.

FEMA Flooding Reimbursement

Councilman Becker asked if any funding had been received for the flood damage sustained on May 13th. Supt. Ricketson stated that flooding that occurred after May 10th needed to be added to the original declaration before any damage reimbursements are made.

Meadowlane Road Work

Councilman Armbrust asked if Meadowlane was still slated for road work. Supt. Ricketson stated that money will probably not be available after Factory Road is completed.

Supervisor Report

Supervisor John Knab reported on the following items:

Wyoming County Sales Tax revenue is up. Last year revenue was at \$6.9 million. This year revenue is at \$7.3 million.

Salt and Sand Prices

Per County bid: Salt is up to \$40.49 per ton. Sand is up to \$9.25.

Wyoming County Community Hospital

The hospital lost \$148,000 in the month of July. The total loss for the year so far is \$810,000.

Camp Wyomoco

With two weeks of camp remaining the 4-H camp had 790 campers. 38% are Wyoming County residents, 20% from Erie County, 20% from Monroe County. This year the camp employed 64 staff people.

Wyoming County Bills

Wyoming County bills for the month of July were \$1,786,223.60.

Cooperative Extension brochure

Supervisor Knab advised that the Cooperative Extension is putting together a brochure on locally grown products. If anyone knows of anyone who should be listed they should contact the Cooperative Extension.

Acceptance of Reports

A motion was made by Paul Kirsch and seconded by Brian Becker to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Court Room Walls

Supervisor Knab informed the Board that he requested quotes from King Brothers, Steve Beck and Bernard Hoffman for masonry work on the Court room walls. A quote of \$6,200.00 was received from Bernard Hoffman.

A motion was made by Paul Kirsch and seconded by Brian Becker to accept the quote as submitted in the amount of \$6,200.00 for masonry work from Bernard Hoffman Masonry Contractor, 5808 Michigan Road, Arcade, NY 14009.

Yes 4 No 0 Abstain 1 Motion Carried.

Knab-Yes

Kirsch-Yes

Becker-Yes

Armbrust – Abstain

Metz – Yes

The Town Board reviewed the quote received from Keith Tozier for the repair of the inside of the court room walls. The Board decided to change the specifications to ask for 5/8” drywall instead of 1/2” and to also include servicing the system to the specs. Councilman Becker stated that he would like Keith Tozier to rebid the project using the new specifications and also stated that two more quotes should be requested from other contractors.

New Business

Strykersville Fire Company Public Hearing

A motion was made by Brian Becker and seconded by Paul Kirsch to set a date of Monday, September 12, 2011 at 7 p.m. at the Strykersville Fire Hall for a Public Hearing to consider a contract with the Strykersville Fire Company.

Yes 5 No 0 Motion Carried.

Sheldon Fire Company Public Hearing

A motion was made by Brian Becker and seconded by Paul Kirsch to set a date of Monday, September 19, 2011 at 7 p.m. at the Sheldon Fire Hall for a Public Hearing to consider a contract with the Sheldon Fire Company.

Yes 5 No 0 Motion Carried.

Justice Training

A motion was made by Mike Armbrust and seconded by Paul Kirsch to authorize the Town Justices attendance at Justice training in Batavia on September 7, 2011 and the NYS Magistrates Conference in Niagara Falls on September 25-28, 2011.

Yes 5 No 0 Motion Carried.

Williamson Law Accounting Program

A motion was made by Brian Becker and seconded by Lynne Metz to authorize Supervisor Knab to sign the agreement with Williamson Law for renewal of the Williamson Law Accounting Program at a yearly cost of \$770.00.

Yes 5 No 0 Motion Carried.

Smart Management for Small Communities Workshop

A motion was made by Mike Armbrust and seconded by Paul Kirsch to authorize Supervisor Knab's attendance at the Smart Management for Small Communities Workshop in Ellicottville, NY on October 6-7, 2011 at an approximate cost of \$120.00.

Justice Court Grant

A motion was made by Lynne Metz and seconded by Paul Kirsch to authorize the Town Justices to apply for a Justice Court Grant to fund the repair and remodel of the Court Room which suffered water damage.

Yes 5 No 0 Motion Carried.

Fund Transfers

A motion was made by Mike Armbrust and seconded by Brian Becker to approve the following fund transfers and budget amendments:

Transfer \$1,564.14 from DA5130.1 Personal Services to DA5140.1 Personal Services

Transfer \$1,837.76 from A1910.4 Insurance to A3310.4 Traffic control

Transfer \$190,000.00 from General Fund Money Market (A201) to Highway M/M (DA201)

Amend Central Garage Budget-A1640.4 to pay for 25% of cost storage bldg & foundation in the amount of \$43,387.50 (A599 Appropriated Fund Balance to A1640.4 Central Garage)

Amend Machinery Budget-DA5130.2 to pay for the 2012 Peterbilt-Model 367 in the amount of \$84,173.00 (DA599 Appropriated fund balance to DA5130.2 Machinery)

Yes 5 No 0 Motion Carried.

Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the

General Bills #244 to #289 for a Total of \$57,809.15, the

Highway Bills #134 to #157 for a Total of \$233,741.78, the

Trust & Agency Bills #30 to #34 for a Total of \$1,910.43 the

Varysburg Water District Bills #50 to #59 for a Total of \$2,763.13 and the

Lighting District Bills for a Total of \$625.72 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Garbage Pickup Complaints

Hwy. Supt. Ricketson stated that he has received numerous complaints about the garbage pickup.

Adjournment

At 8:50 p.m. a motion was made by Lynne Metz and seconded by Paul Kirsch to adjourn the August 23, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
September 27, 2011**

The Regular Meeting of the Sheldon Town Board held September 27, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM. Councilwoman Metz led the Pledge of Allegiance.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Recording Secretary: Town Clerk Carol Zittel
Highway Superintendent David Ricketson

Also Present: Attorney John Flaherty, Zoning Officer Ken Martin, ZBA Chairman George Knab, Justice Fran Lefort, members of the Sheldon Fire Department. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Lynne Metz and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on August 23, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#49 Change in August Abstract

The Varysburg Water District August bills increased from \$2,763.13 to \$2,913.13. Voucher #59 payable to Ann McDonnell was voided and replaced with a \$1,650.00 bill payable to TVGA Consultants.

#50 NYS Liquor License Renewal

A motion was made by Paul Kirsch and seconded by Mike Armbrust to accept without objection the NYS Liquor renewal application form from The Flipside Bar & Grill, 3803 Main Street, Strykersville.

Yes 5 No 0 Motion Carried.

Reports

Financial Reports were presented for the month of August 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report – Highway Superintendent Dave Ricketson reported on the following items:

Factory Road

Factory Road paving is complete. Some driveways still need to be fixed. No finished bill for Factory Road paving yet. The Department will be within budget on total project. Factory Rd. is CHIPS project for the year, as soon as the bill is received it will be sent to New York State for reimbursement.

Gradall

The gradall keeps shutting down. The gradall distributor from Batavia came for a service call but was not able to fix the problem. The Service Tech thought it was a bad relay and said he would return. When he returned he replaced the relay but it still did not work. The technician stated that he would not be able to fix it. Supt. Ricketson received a bill for \$800, billing 14 hours of labor at \$60/hr. Supt. Ricketson does not want to pay this bill and asked for the Board's opinion. The Town Board agreed that 14 hours was not justifiable. Supt. Ricketson will call the company to work out a solution.

Supervisor Report

Supervisor John Knab reported on the following items:

Wyoming County Bills

Wyoming County bills for the month of August were \$3,438,449.20.

Wyoming County Community Hospital

Work has begun on hospital parking lot. Due to cost, the project for the hospital addition has been scaled back.

Complaint Jake Brakes – Perry Rd.

A complaint regarding the use of Jake brakes on Perry Rd. was received by the Town Supervisor. This is not an issue that the Town has any control over.

State Revenue Sharing Check

A NYS revenue sharing check in the amount of \$18,032.00 was received.

2010 Judges Report

The Town Court collected \$207,888.50 in fines in 2010. The Town’s share was \$95,000.50. The Town of Sheldon collected the largest amount of fines in comparison to other Wyoming County towns.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

Old Business

Board Room Walls

Bernard Hoffman Masonry began work on the exterior walls of the Town Hall. Justice Fran Lefort advised that the grant to cover the cost of repairs has been submitted.

Praller Lawsuit

Attorney John Flaherty addressed the Town Board regarding the Praller assessment challenge. The Town Board asked Attorney Flaherty to contact the Town’s appraiser for a cost quote on performing a 2011 appraisal on the Praller property. The Board also asked how a change in appraisal would affect County and School taxes already billed for prior years.

Sheldon Volunteer Fire Dept. Contract

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve a one year \$100,000.00 contract with the Sheldon Volunteer Fire Company for fire protection services.

Yes 4 No 0 Abstain 1 Motion Carried.

Knab Yes
Becker Yes
Armbrust Yes
Metz Yes
Kirsch Abstain

Local Law 1-2011

A motion was made by Mike Armbrust and seconded by Brian Becker to create Local Law 1-2011 to override the tax levy limit for the Sheldon Fire District and to schedule a public hearing on the law for October 18, 2011 at 7:30 p.m.

Yes 5 No 0 Motion Carried.

Strykersville Fire Dept. Contract

A motion was made by Lynne Metz and seconded by Brian Becker to authorize Supervisor Knab to sign a 5-year contract with the Strykersville Volunteer Fire Department for fire protection services.

Yes 5 No 0 Motion Carried.

At a public hearing on September 12, 2011, the Strykersville Fire Dept. agreed to contract at the same rate of reimbursement as the previous contract.

Deputy Zoning Officer

A motion was made by Brian Becker and seconded by Paul Kirsch to authorize the Supervisor to advertise for the position of Deputy Zoning Officer in the Arcade Herald and East Aurora and Attica Pennysavers.

Yes 5 No 0 Motion Carried.

Budget Workshop

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the date for a budget workshop on October 4, 2011 at 7:30 p.m. at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

2012 Budget Public Hearing

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the date for the 2012 budget public hearing for Tuesday, October 18, 2011 at 7:30 p.m. at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

Renewal of Town website

A motion was made by Brian Becker and seconded by Mike Armbrust to give the Town Clerk permission to renew the Town website for 2 years at an approximate cost of \$7.00 per month.

Yes 5 No 0 Motion Carried.

Harris Corners Fire Dept. Contract Public Hearing

A motion was made by Lynne Metz and seconded by Brian Becker to set the date for the Harris Corners Fire Department contract public hearing for Wednesday, October 19, 2011 at 7:30 p.m. at the Harris Corners Fire Hall on Folsomdale Rd.

Yes 5 No 0 Motion Carried.

Appointment – VAMP

A motion was made Lynne Metz and seconded by Paul Kirsch to appoint Sue Rogacki to the Vince Almeter Memorial Park Committee for a 5 year term (October 1, 2011-September 30, 2016).

Yes 5 No 0 Motion Carried.

Appointment – Board of Assessment Review

A motion was made by Lynne Metz and seconded by Mike Armbrust to appoint Earl Bartz to the Board of Assessment Review for a 5 year term (October 1, 2011-September 30, 2016).

Yes 5 No 0 Motion Carried.

Justice Training

A motion was made by Mike Armbrust and seconded by Brian Becker to give permission for the Town Justices to attend Justice training in Little Valley on October 13, 2011.

Yes 5 No 0 Motion Carried.

Fund Transfer

A motion was made by Paul Kirsch and seconded by Lynne Metz to approve the transfer of \$35,000.00 from General Fund Money Market (A201) to Highway Money Market (DA201).

Yes 5 No 0 Motion Carried.

Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the
General Bills #290 to #329 for a Total of \$16,909.40, the
Highway Bills #158 to #175 for a Total of \$15,051.97, the
Trust & Agency Bills #35 to #40 for a Total of \$2,862.17 the

Varysburg Water District Bills #60 to #66 for a Total of \$7,256.26 and the Lighting District Bills for a Total of \$663.06 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Town Finances

Supervisor Knab announced that the Town of Sheldon is completely debt free with no outstanding loans.

Thank you from Sheldon Fire Company

Ron George, treasurer of the Sheldon Fire Company, thanked the Board for granting the contract increase and stated that the fire company's goal is to build the new fire hall at the lowest cost possible.

Moment of Silence

Justice Fran Lefort asked for a moment of silence in remembrance of Helen Dedoszak, former Town of Sheldon Bookkeeper/Court Clerk who recently passed away.

Adjournment

At 9:00 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the September 27, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**SPECIAL MEETING
SHELDON TOWN BOARD
September 12, 2011
Review of bids – Repair of Court Room Walls**

The Special Meeting of the Sheldon Town Board held September 12, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 6:30 PM.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch
Absent: Lynne Metz
Recording Secretary: Town Clerk Carol Zittel

Town Clerk Zittel read the notice published in the Arcade Herald on September 8, 2011.

The Town Clerk received two bids:

1.) Tozier Enterprises, Inc., 2035 Centerline Rd., Varysburg, NY 14167 in the amount of \$8,600.00
2.) Douglas L. Rowland, Inc., 2369 Two Rod Rd., East Aurora, NY 14052 in the amount of \$7,875.13
Supervisor Knab stated that he had also requested quotes from Jared Almeter and Doug Almeter but none were received from either.

Acceptance of Bid – Court Room Wall Repair

A motion was made by Paul Kirsch and seconded by Brian Becker to accept the lowest bid in the amount of \$7,875.13 from Douglas L. Rowland, Inc., 2369 Two Rod Rd., East Aurora, NY 14052 for the repair of the Court Room walls.

Yes 3 No 0 Abstain 1 Motion carried.

Mike Armbrust – Abstain
Paul Kirsch – Yes
John Knab – Yes
Brian Becker – Yes

Town Clerk Zittel stated that she would give the Town Justices a copy of the accepted bid for their grant application which has to be submitted tomorrow. The Town Board asked the Town Clerk to notify the bidders of the results.

September Board Meeting – Date Changed

A motion was made by Mike Armbrust and seconded by Brian Becker to change the September Regular Sheldon Board meeting date from September 20, 2011 to September 27, 2011.

Yes 4 No 0 Motion carried.

The Town Clerk stated that she will publish a notice in the Arcade Herald and on the website regarding the meeting date change.

Adjournment

At 6:50 p.m. a motion was made by Brian Becker and seconded by Paul Kirsch to adjourn the September 12, 2011 Special Meeting of the Sheldon Town Board.

Yes 4 No 0 Motion carried.

Sheldon Town Board Public Hearing Sheldon Fire Department Contract September 19, 2011 @ 7:00 Sheldon Fire Hall

The Public Hearing for the Sheldon Fire Department contract, held September 19, 2011 at the Sheldon Fire Hall, was called to order by Supervisor John Knab at 7:00 PM.

Present: Supervisor John Knab
Councilmembers: Lynne Metz, Mike Armbrust, Brian Becker (arrived 7:07pm),
Paul Kirsch
Recording Secretary: Town Clerk Carol Zittel

Others Present: Speaking on behalf of the Sheldon Fire Company were: Ron George, Treasurer, Mike Almeter, member, Rick Brzezicki Jr., Chief and Chris George, member. A signed list of all present is on file in the Town Clerk's office.

Town Clerk, Carol Zittel, read the legal ad published in the September 8, 2011 edition of the Arcade Herald.

Tax Cap Legislation

There was a discussion regarding the new 2% tax cap legislation. As of meeting time, the Town Board was still awaiting the Town Attorney's opinion as to what steps had to be taken to override the tax cap.

Supervisor Knab asked if the Fire Company had talked to Real Development about grant money.

Supervisor Knab also suggested contacting Congresswoman Hochul regarding the availability of grant money.

Supervisor Knab: Does the Fire Company have a quote on what the proposed new fire hall would cost.

Chris George: approximately \$450,000. This \$450,000 does not reflect prevailing rate wages and assumes that some of the work would be done by the fire members themselves. The building is approximately 5,000 square feet. Chris George showed blueprints drawn by an architect. The Fire Company would keep the old hall for storage.

Supervisor Knab: what size is the meeting room?

Chris George: 24x22 with a max of 36 occupants

Supervisor Knab: Is there a well?

Chris George: Not yet, but there will be soon. We need to make sure we have water before we start anything. That is another reason to keep old hall, it has a 14,000 gallon cistern.*

*Longtime Fire Company member Ken Martin noted that this cistern was dug by hand by fire company members (Ken being one of them) many years ago.

Supervisor Knab: Are you asking for \$100,000.00?

Ron George: We expect to borrow approximately \$600,000.00 - \$650,000.00. The extra money we get from a contract increase would go towards paying off the loan.

Supervisor Knab: What is the oldest truck?

Response: 1970. They also have a 1993, 1997 and the 2007 tanker.

Councilman Kirsch: What is the rate at a commercial bank?

Ron George: 4 $\frac{3}{4}$ - 5% for first five years then you have to renegotiate.

Councilman Becker: If you receive the increase to \$100,000 how long would it take you to pay off the loan?

Ron George: Approximately 10 years.

Fire Company 2012 Contract Request

The Sheldon Fire Company is asking for a \$100,000.00 per year five-year contract with the intent to appropriate the \$30,000.00 increase in funds for the construction of a new fire hall.

Close Public Hearing

At 8:15 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to close the public hearing and adjourn the meeting.

REGULAR MEETING SHELDON TOWN BOARD October 18, 2011

The Regular Meeting of the Sheldon Town Board held October 18, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Mike Armbrust, Brian Becker, Paul Kirsch, Lynne Metz
Recording Secretary: Town Clerk Carol Zittel
Absent: Highway Superintendent David Ricketson
Also Present: Attorney John Flaherty, Zoning Officer Ken Martin, members of the Sheldon Fire Department, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Brian Becker that the minutes from the Regular Board Meeting on September 27, 2011 be approved as printed and received.

Yes 5 No 0 Motion Carried.

Councilman Becker asked that the October 4, 2011 budget minutes be amended to include a notation under the discussion of Justice salaries, that the Town Justices received approximately \$45,000 in grant money.

A motion was made by Mike Armbrust and seconded by Brian Becker that the minutes from the budget workshop held on October 4, 2011 be approved with the changes requested by Councilman Becker.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#51 The Employee Assistance Program (EAP) contract expires November 30, 2011. The current contract includes face-to-face counseling. The EAP will not be able to offer this service at the current contract rate. To have this service the contract would increase from \$125 to \$500 yearly. The Town Board requested that a contract at the \$125 rate without face-to-face counseling be requested from the EAP.

#52 A motion was made by Mike Armbrust and seconded by Lynne Metz to give approval for Sheldon Planning Board and Zoning Board members to attend the Fall 2011 Regional Local Government Workshop on November 17, 2011 in Batavia, NY.

Yes 5 No 0 Motion Carried.

#53 The Town Clerk read a thank-you note received from a resident. The resident thanked the Town Highway Dept. for their efforts in fixing the end of her driveway which was washed out by heavy rain.

#54 **Nu-Way/Garbage Pickup Complaints**

Two weeks ago Bloecher Rd. recycling was not picked up. Last week some Perry Road addresses did not receive garbage pickup. This week French Rd. did not receive garbage pickup.

Reports

Financial Reports were presented for the month of September 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Highway Superintendent Ricketson was not present at the meeting. Councilman Becker noted that the Factory Rd. paving project came in \$11,000 under budget and that the new Peterbilt will be arriving soon.

Supervisor Report

Supervisor John Knab reported on the following items:

Sales Tax Revenue

County sales tax revenue is up \$716,000 from this time last year.

Wyoming County Bills

Wyoming County bills for the month of September were \$1,522,805.99.

Wyoming County Community Hospital

A new roof is being installed on the entire facility. The new helicopter pad has been installed. A new air conditioner unit will be delivered November 1st. The hospital renovation is expected to be complete mid-2013. Councilperson Metz commented on the new computer system and the issues with billing that the new system created. Supervisor Knab responded that the new computer system was installed and in use before the proper training had occurred which put the billing department very behind on collecting payments. At this point the hospital only owes the County \$850,000 which is down substantially from previous months.

County Matching Funds for Grants

Wyoming County has eliminated the grant writing matching funds program. In the past, the County would pay half of the costs of grant writing fees for towns within the County. This program has been eliminated to stay under the 2% tax cap legislation requirements.

Acceptance of Reports

A motion was made by Paul Kirsch and seconded by Lynne Metz to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Public Hearing – Local Law 1-2011

Councilman Becker suggested that the wording in the title and text of the law that reads: “the tax levy limit for the Town of Sheldon Fire District” be changed to “the tax levy limit for the Sheldon Fire Protection District.” The Town Board agreed unanimously.

At 7:45 p.m. Supervisor Knab opened the public hearing on Local Law 1-2011 entitled; “A local law to override the tax levy limit established in subdivision 5 of General Municipal Law Section 3-C to override the tax levy limit for the Sheldon Fire Protection District.”

Town Clerk Zittel read the legal ad published in the October 13, 2011 Arcade Herald announcing the Public Hearing.

Praller Assessment Challenge

Attorney John Flaherty updated the Town Board on the legal proceedings in the Praller assessment challenge. Atty. Flaherty stated that the cost to update the appraisal would be \$6,000-\$8,000.

Councilman Armbrust asked Atty. Flaherty to find out what the Praller property was assessed at in 2005. The Town Board discussed whether Town Assessor, Valerie Piridy, should attend the November meeting. Councilperson Metz suggested that Ms. Piridy be asked whether she would like to attend the November meeting.

A motion was made by Brian Becker and seconded by Mike Armbrust to table the discussion regarding the Praller assessment challenge for one month in order for Atty. Flaherty and Valerie Piridy to gather more information.

Yes 5 No 0 Motion Carried.

Closing of Public Hearing – Local Law 1-2011

At 8:15 p.m. a motion was made by Paul Kirsch and seconded by Brian Becker to close the public hearing on Local Law 1-2011.

Yes 5 No 0 Motion Carried.

Passage of Local Law 1-2011

A motion was made by Brian Becker and seconded by Mike Armbrust to approve Local Law 1-2011 entitled; "A local law to override the tax levy limit established in subdivision 5 of General Municipal Law Section 3-C to override the tax levy limit for the Sheldon Fire Protection District."

Knab Yes

Kirsch Abstain

Becker Yes

Armbrust Yes

Metz Yes

Yes 4 No 0 Abstain 1 Motion Carried.

Cold Storage Building

The Town Board discussed the problems that have occurred during the construction of the cold storage building. Supervisor Knab distributed a list of issues addressing the problems:

- Holes in the roof and sides of the building that you could see daylight through
- Roof panels were put on wrong with regards to the direction of the wind
- Man doors open into the wind
- Overhead doors do not close on the sill
- The steel on the front of the building needs to be replaced because the contractor did not originally have the front of the building at the correct height.
- The contract stated that the building should be complete by June 30th and yet the building was 92 days late. The contract allows the Town to penalize the contractor \$100 for every day it is late

Councilman Becker noted that the contractor, Ed Hulme Inc. also wanted to charge extra for an engineer's drawing and architects stamped plans when the contract called for these to be included in the bid.

Councilman Armbrust suggested that the Town ask for an additional 15 year warranty on the roof for leaking and blow-off. Councilman Armbrust stated that if they do not want to extend the warranty then they should fix it.

New Business

Adopt Tentative Budget as Preliminary Budget

A motion was made by Brian Becker and seconded by Lynne Metz to adopt the 2012 Tentative budget as the 2012 Preliminary Budget.

Yes 5 No 0 Motion Carried.

Open Public Hearing – 2012 Budget

Town Clerk Zittel read the public hearing notice published in the October 6, 2011 legal ad section of the Arcade Herald. Supervisor Knab opened the public hearing at 8:35 p.m. As there were no comments on the 2012 budget, the Board left the hearing open and continued with the meeting.

Appoint Deputy Zoning Officer

A motion was made by Lynne Metz and seconded by Brian Becker to appoint Edward Logel as Deputy Zoning Officer at a yearly rate of \$2,000.00 with the authorization to start immediately at prorated wages.

Yes 5 No 0 Motion Carried.

Halloween Ad

A motion was made by Lynne Metz and seconded by Brian Becker to advertise Halloween night as

Monday, October 31, 2011 for the Town of Sheldon.

Yes 5 No 0 Motion Carried.

Public Hearing – Local Law 2-2011

A motion was made by Lynne Metz and seconded by Mike Armbrust to schedule a public hearing on Tuesday, November 15, 2011 for Local Law 2-2011 entitled: “The Town of Sheldon Small Wind Energy Conversion Systems Law.”

Yes 5 No 0 Motion Carried.

Town Hall Open House

A motion was made by Brian Becker and seconded by Paul Kirsch to schedule an open house at the Town Hall on Saturday, November 12, 2011 from 9am-12pm and to advertise the open house in the East Aurora and Attica Pennysavers and Arcade Herald.

Yes 5 No 0 Motion Carried.

Bills:

A motion was made by Lynne Metz and seconded by Mike Armbrust that the General Bills #330 to #361 for a Total of \$16,909.40, the Highway Bills #176 to #190 for a Total of \$187,951.29, the Trust & Agency Bills #41 to #42 for a Total of \$441.77 the Varysburg Water District Bills #67 to #75 for a Total of \$2,824.50 and the Lighting District Bills for a Total of \$1,355.82 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Strykersville Seniors

Charlie Perl, President of the Strykersville Senior Citizen’s thanked the Town Board for the increase in their budget.

Dutch Hollow Road concerns

Resident Mike Almeter commented on the condition of shoulders and curbs on Dutch Hollow Rd. He also noted that bushes need to be trimmed back at two spots on the road. Supervisor Knab said he would give Mr. Almeter the phone number to the County Highway Superintendent.

Adjournment

At 9:15 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the October 18, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
November 15, 2011**

The Regular Meeting of the Sheldon Town Board held November 15, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Brian Becker, Paul Kirsch, Lynne Metz, Councilman Armbrust arrived at 7:35 p.m.
Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Attorney John Flaherty, Assessor Valerie Piridy, Zoning Officer Ken Martin, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Executive Session

At 7:35 p.m. a motion was made by Brian Becker and seconded by Lynne Metz to enter into Executive Session to discuss the Praller assessment litigation, with the following people present; Supervisor John Knab, Councilman Armbrust, Councilman Becker, Councilman Kirsch, Town Attorney, John Flaherty, Town Assessor, Valerie Piridy, Town Clerk, Carol Zittel, and Councilman-Elect Vince Kirsch.

Yes 4 No 0 Absent 1 Motion carried.

Councilman Armbrust arrived at 7:36 p.m.

At 8:05 p.m. a motion was made by Brian Becker and seconded by Paul Kirsch to end the executive session and return to the regular board meeting.

Yes 5 No 0 Motion carried.

Attorney John Flaherty and Assessor, Valerie Piridy, left the meeting at 8:05 p.m.

Minutes

Rescinding of October 2011 Resolution

A motion was made by Paul Kirsch and seconded by Mike Armbrust to rescind the October 18, 2011 resolution adopting the 2012 budget.

Yes 5 No 0 Motion Carried.

A motion was made by Mike Armbrust and seconded by Brian Becker that the minutes from the Regular Board Meeting on October 18, 2011 be approved with the resolution adopting the 2012 budget rescinded.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#55 **EAP Contract**

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize Supervisor Knab to sign the contract with the Employee Assistance Program at a cost of \$125.00 annually.

Yes 5 No 0 Motion Carried.

#56 **2012 Blood Drives**

A motion was made by Brian Becker and seconded by Lynne Metz to give approval for Upstate NY Transplant Services to conduct blood drives at the Town Hall on the following dates: March 28, 2012, June 13, 2012, September 12, 2012 and December 5, 2012. Yes 5 No 0 Motion Carried.

#57 **Local Law 1-2011**

Local Law 1-2011 has been filed with the NYS Department of State.

#58 **Zoning Complaint Letter**

Supervisor Knab received a written complaint from a resident regarding excessive junk at residences on Route 98 and School Street. Supervisor Knab distributed the letter to the Town Board.

#59 **Upcoming Conferences**

A motion was made by Lynne Metz and seconded by Mike Armbrust to give approval for Town Officials to attend the following conferences sponsored by the Association of Towns:

- 2012 Training School & Annual Meeting, New York City, February 19-22, 2012

- Town Official School for Newly Elected Town Officials, Rochester, January 4-6, 2012

#60 **Abstract Changes**

The following changes were made to the October abstracts due to clerical and computer error:

- The Lighting Bills for October 2011 were \$692.76 not \$1,355.82
- The General Bills for October 2011 were \$13,231.15 not \$80,343.65 (the computer added the prepaid bills twice and the Hulme bill was pulled per the Town Board's request)
- The Highway Bills for October 2011 were \$187,898.55 not \$187,951.29

A motion was made by Paul Kirsch and seconded by Lynne Metz to accept the changes to the October 2011 abstracts.

Yes 5 No 0 Motion Carried.

#61 **Time Warner Rates**

Time Warner sent notification of new rates:

Basic cable will be \$13.25 instead of \$12.00. Standard cable will be \$63.95 instead of \$67.25

Package pricing has also increased.

#62 **Sheldon Historical Society**

The Town Clerk read a letter from Michael Szucs, President of the Sheldon Historical Society, updating the Board on various Society projects.

Reports

Financial Reports were presented for the month of October 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Highway Superintendent David Ricketson reported on the following items:

Gradall

The gradall has been repaired. RS Maher fixed the Electronic Control Module (ECM). The cost was \$2,502.81.

2009 Peterbilt

The 2009 Peterbilt has a leaky exhaust.

2006 Peterbilt

The electronic sanding system on the 2006 Peterbilt is not working. Valley Fab estimated it would cost between \$2,100 -\$2,500 to remove the electronic system and convert it to a manual system.

Road Work

The Highway Dept. shimmed Centerline Rd. from Maxon to Kohler removing the wheel tracks.

CHIPS Projects 2012

Centerline Road and Humphrey Road will be the CHIPS projects for 2012. The NYSDOT bridge project planned for the bridge near Byrncliff has been postponed until 2014.

Falls Road

The department paved Falls Road.

Salt & Sand

The salt and sand building is full.

Supervisor Report

Agricultural District #4

Wyoming County Ag District #4 report has been updated.

County Tax Sale

38 parcels sold for a total of \$582,600.00. Subtract \$176,197.16 for past due taxes for a profit of \$406,402.84.

Wyoming County Bills

Wyoming County bills for October were \$2,385,881.33.

Wyoming County Community Hospital

New helicopter pad opened October 7, 2011. Lower and upper parking lot will be paved by November 19th. New air conditioning unit installation is 90% complete. Work on the roof has begun.

Harris Corner Fire Contract

Supervisor Knab informed the Board that the original Harris Corners Fire Contract from 1964-1968 divided the full contract amount evenly between the Towns of Bennington and Sheldon at \$750.00 per Town.

Acceptance of Reports

A motion was made by Paul Kirsch and seconded by Lynne Metz to accept all reports as presented.

Yes 5 No 0 Motion Carried.

Old Business

Cold Storage Building

Hwy. Superintendent Ricketson stated there are a few leaks in a couple of spots in the new cold storage building. Supt. Ricketson stated that he took pictures of where the original holes were and the photos show that the holes were caulked, a screw was inserted and then caulked around. Supervisor Knab stated that a bill was received from Ed Hulme Inc. with finance charges of \$1,500.38 added for late payment. Supervisor Knab stated that Tom Flint of Ed Hulme Inc. declined to offer a 20 year warranty on the roof. Supervisor Knab stated that he will contact Ed Hulme Inc. regarding the issues discussed tonight.

New Business

Public Hearing – Local Law 2-2011

At 8:40 p.m. Supervisor Knab opened the public hearing for Local Law 2-2011 entitled “The Town of Sheldon Small Wind Energy Conversion Systems Law.” Town Clerk Zittel read the public hearing notice published in the November 3, 2011 Arcade Herald.

Councilman Kirsch stated his opposition to the \$250.00 application filing fee stating that the fee is too high. Councilman Becker disagreed, stating that in comparison to what the windmills are expected to generate in revenue the cost is not too high. Councilman Armbrust noted that extra work has to be done by the Town in processing such an application and the expense should not be put on the Town.

As there were no further comments on Local Law 2-2011, Supervisor Knab left the public hearing open and continued with the meeting.

Harris Corners Fire Contract

A motion was made by Brian Becker and seconded by Lynne Metz to approve the 2012 Harris Corners Fire contract which calls for a 2% increase for a total contract amount of \$27,152.00 for fire service and \$900.00 for rescue service.

Yes 5 No 0

Hockey Rink in Town Park

Resident Tom Kibler addressed the Town Board regarding the possibility of building a hockey rink at the Vince Almeter Memorial Park in Varysburg. Highway Superintendent Ricketson came up with an approximate cost of \$16,209.00 to dig the land out and blacktop the area. Mr. Kibler proposes a 65x150 size rink which is not quite regulation size. Mr. Kibler offered to run a youth hockey league for the Town. Mr. Kibler has already reached out to local organizations such as the Varysburg Lions Club and the Attica Lions Club and will also contact the Wyoming Foundation for their support. Mr. Kibler asked the Town Board if a hockey rink would be feasible to the Town Board. Councilman Becker asked Mr. Kibler if what he is looking for is a soft committal from the Town Board. The Town Board expressed their interest/support as long as Mr. Kibler is willing to do more work on the project. Councilman Armbrust suggested that the kids who would be using the rink participate in the fund raising. Councilman Armbrust expressed some problems/issues that have arisen with the Strykersville rink on Minkel Road. Supervisor Knab asked Mr. Kibler to do some more research on the project and re-address the Board in March or April of 2012.

Set Date for Public Hearing – Harris Corners Fire Dept. Cert. of Incorporation

WHEREAS, the Town Board of the Town of Sheldon has received a written request from the Harris Corners Fire Department, Inc., which seeks to amend its certificate of incorporation to permit it to operate as a tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Section 404(f) of the New York State Not-for-Profit Corporation Law requires the approval of the Sheldon Town Board upon public hearing of Harris Corners Fire Department's application; and

WHEREAS, based on such request, may be in the public interest, and a public hearing on the matter should be held for such purposes, pursuant to Section 404(f) of the New York State Not-for-Profit Corporation Law.

NOW THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Sheldon shall convene and conduct a public hearing on December 20, 2011 at 7:30 p.m. at the Sheldon Town Hall, 1380 Centerline Road, Strykersville, New York 14145 for the purpose of considering the Harris Corners Fire Department, Inc. amendment of its certificate of incorporation to permit it to operate as a tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code, and that notice thereof shall be given by the Clerk as required by law.

A motion was made by Lynne Metz and seconded by Brian Becker on the resolution to hold the public hearing.

Yes 5 No 0

Notice in Tax Bills

Supervisor Knab asked for the Town Board's approval to insert a note in the Town tax bills that explains why there is no Town tax for 2012. Supervisor Knab was advised by Attorney Flaherty that a Town Board resolution was needed in order to insert literature in the tax bills.

A motion was made by Paul Kirsch and seconded by Brian Becker to approve for an insert to be added to Town of Sheldon tax bills for 2012 which explains why there is no Town tax rate and also states that the Town tax rate would have been \$6.40 per thousand if town taxes had been imposed.

Yes 5 No 0

Wyoming County Youth Bureau Request for Funding

Supervisor Knab explained to the Town Board that State funding to the Wyoming County Youth Bureau has been slashed. New York State will be sending the Town of Sheldon approximately \$662.00 in Youth services funding. The Wyoming County Youth Bureau has asked the Town of Sheldon and all other Wyoming County Towns to donate their funding to the Wyoming County Youth Bureau for County youth services and programs. Supervisor Knab stated that some Towns have been willing to give this money to the County Youth Bureau and some Towns have not.

A motion was made by Lynne Metz and seconded by Mike Armbrust to forgo the youth funding check from New York State and give this funding to the Wyoming County Youth Bureau.

Yes 5 No 0

Deposit of Town Funds

Supervisor Knab advised the Board of CD rates at various local banks. Interest on three month CD's range from .20% to .25%. The Town Board gave approval for Supervisor Knab to deposit Town funds in a Certificate of Deposit (CD) with whichever bank is giving the highest rate of return. Five Star Bank currently offered the highest rate.

Adopt Preliminary Budget as Annual Budget

A motion was made by Brian Becker and seconded by Mike Armbrust to adopt the 2012 Preliminary Budget as the 2012 Annual Budget.

Yes 5 No 0 Motion Carried.

Creation of Deputy Zoning Officer position

A motion was made by Lynne Metz and seconded by Paul Kirsch to create the position of Deputy Zoning Officer for the Town of Sheldon.

Yes 5 No 0

Williamson Law – Town Clerk Program

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize Supervisor Knab to sign the contract with Williamson Law for the Town Clerk computer program at an annual cost of \$300.00.

Yes 5 No 0

Budget Transfers and Amendments

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the following budget transfers and amendments:

- Transfer \$160,000.00 from General Fund Money Market to Highway Money Market (for the October bills)
- Amend machinery budget DA5130.2 for the Peterbilt plow equipment in the amount of \$78,679.00
- Transfer \$60,000.00 from General Fund Money Market to Highway Money Market (for November bills)

Bills:

A motion was made by Paul Kirsch and seconded by Lynne Metz that the General Bills #361 to #400 for a Total of \$46,199.99, the Highway Bills #191 to #212 for a Total of \$58,148.65, the Trust & Agency Bills # 43to #46 for a Total of \$1,634.03 the Varysburg Water District Bills #76 to #82 for a Total of \$1,511.75 and the Lighting District Bills for a Total of \$726.45 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Zoning

Zoning Officer Ken Martin addressed the Board regarding a variance that was granted in September 2009 to Mr. Kevin Lynch. Mr. Martin stated that Mr. Lynch has not completed the project. Mr. Martin asked if the Town board would waive the need for re-application and fee. Mr. Martin stated that the building plans have remained unchanged.

A motion was made by Mike Armbrust and seconded by Brian Becker to waive the fee and the need for re-application for a variance for Kevin Lynch, Route 20A, Strykersville, NY 14145.

Yes 5 No 0 Motion Carried.

Town is Debt Free

Supervisor Knab stated that the new cold storage building, the new Peterbilt and the new pickup truck purchased in 2011 will all be paid in full and the Town will remain totally debt free.

Garbage Pick-up

Hwy. Supt. Ricketson stated that he has received numerous complaints regarding garbage pick-up. French Road has been skipped over numerous times.

Street Lights

The Town Clerk was notified of various locations with street light outages. She will report these outages to NYSEG.

Town Board Appointments

Supervisor Knab stated that the Board of Assessment Review will need a new member as a result of Vince Kirsch being elected to the Town Board. Zoning Board of Appeals member, Bob Walsh, has asked to not be re-appointed to the Board.

Close Public Hearing

At 9:40 p.m. a motion was made by Brian Becker and seconded by Lynne Metz to close the public hearing on Local Law 2-2011 entitled; "The Town of Sheldon small wind energy conversion systems law."

Yes 5 No 0 Motion Carried.

Adoption of Local Law 2-2011

A motion was made by Mike Armbrust and seconded by Paul Kirsch to adopt Local Law 2-2011 entitled; "The Town of Sheldon small wind energy conversion systems law."

Adjournment

At 9:45 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the November 15, 2011 meeting of the Sheldon Town Board. Yes 5 No 0 Motion Carried.

**REGULAR MEETING
SHELDON TOWN BOARD
December 20, 2011**

Before the start of the Board meeting, Justice Fran Lefort administered the oath of offices for newly elected/re-elected officials. Oaths taken by: Supervisor John Knab, Highway Supt. David Ricketson, Deputy Highway Superintendent Kevin Amedick, Tax Collector Donna Almeter, Justice Robert Jae, Councilperson Lynne Metz, Councilman Vincent Kirsch and Town Clerk Carol Zittel.

The Regular Meeting of the Sheldon Town Board held December 20, 2011 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab
Councilpersons: Brian Becker, Paul Kirsch, Lynne Metz, Councilman Armbrust
Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Deputy Town Clerk Gertrude Hyman, Justice Robert Jae, Justice Fran Lefort, Arcade Herald reporter Brianna Church. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Mike Armbrust and seconded by Brian Becker that the minutes from the Regular Board Meeting on November 15, 2011 be approved.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

Local Law 2-2011

#63 Local Law 2-2011 has been filed with the New York State Department of State.

Pennysaver Minutes

#64 The Town was notified by the Pennysaver that the Board minutes will no longer be published free of charge. A 75% discount will be offered. The cost to publish the minutes with this discount would be approximately \$60 per month. The Town Board discussed the issue and is satisfied that the minutes are available on the Town website thereby eliminating the need to publish the minutes

A motion was made by Paul Kirsch and seconded by Lynne Metz to discontinue publishing the minutes in the Pennysaver.

Yes 5 No 0 Motion Carried.

Varysburg Fire Dept.

#65 The Varysburg Fire Dept. sent their list of 2012 officers to the Town Clerk.

North Java Fire Dept.

#66 The North Java Fire Dept. sent a copy of their 2012 budget.

Town Hall Phones

#67 A salesman from Verizon Wireless will meet with the Town Clerk at Town hall on Wednesday to discuss setting up the home phone direct service. The Town board expressed their desire to move forward with the phone service switch.

Games of Chance

#68 The Town Clerk issued a Games of Chance permit to the Six Star Post in Strykersville for bell jar ticket sales.

Reports

Financial Reports were presented for the month of November 2011 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report- Superintendent Ricketson reporting

No major breakdowns. The gradall is running good and seems to be fixed. Supt. Ricketson thanked the Board for their cooperation in 2011 and thanked Councilman Kirsch for his service on the Town Board.

Supervisor Report – Supervisor Knab reporting

County Bills

Wyoming County bills for November 2011 were \$2,905,085.51.

Letchworth Football

The Board of Supervisors recognized the Letchworth Central School Varsity Football team for winning the NYS Public High School Class D championship.

Town Taxes

The only two towns in Wyoming County that did not levy taxes for 2012 are Sheldon and Eagle. The Town of Wethersfield has a partial tax levy.

Worker’s Compensation Costs

The cost of worker’s compensation insurance for the Town of Sheldon is \$35,288. The cost for Wyoming County Government: \$239,340. County Highway: \$153,855, County Hospital: \$579,928, Wyoming County Volunteer Fire Depts.: \$340,214

Wyoming County Transit

Wyoming County Transit Service had 21 buses that traveled 479,279 miles in 2011. Ridership was 93,501 people. They employ 22 people and have a payroll of \$629,870. They receive \$20,120 from the Wyoming County budget.

Board Appointments

Two positions need to be filled on Town boards. The Zoning Board needs to replace Robert Walsh and the Board of Assessment Review needs to replace Vince Kirsch. Supervisor Knab asked the Town Board to let him know of anyone they feel would be interested in these positions.

Tax Maps – Fire Districts

Supervisor Knab informed the Board that the tax maps in Warsaw incorrectly list Popular Point in the Sheldon Fire District. The Sheldon Fire Dept. was called to a recent fire at Popular Point. Supervisor Knab stated that a meeting has been set up in January to address correcting the tax maps. Councilman Becker stated that he hopes the decision on assigning addresses to a fire department is based on the ease and speed to which a department can respond.

Town Budget

Supervisor Knab stated that in 2011 the Town spent \$253,000.00 more than was budgeted but was still \$15,100.00 to the good. The Town went over budget due to the cold storage addition, the new Peterbilt and the repairs to the Board room.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

Old Business

Cold Storage Building

Supervisor Knab distributed another bill received from Ed Hulme Inc. which has an additional finance charge. Supervisor Knab stated that the work was finally completed with all repairs made on November 19, 2011 and stated that the Town should not have to pay finance charges. Supervisor Knab stated that

\$9,200.00 was deducted from the bill. (\$100 a day for each day the project was late) Councilman-elect Vince Kirsch asked if all leaks have been addressed. Hwy. Superintendent Ricketson responded that basically, yes, the leaks have been addressed. Councilman Paul Kirsch expressed his concerns over the roof panels that have patched holes in them.

A motion was made by Paul Kirsch and seconded by Lynne Metz to pay the invoice from Ed Hulme Inc. minus the service charges and \$9,200.00 for a total amount of \$57,912.50.

Yes 5 No 0 Motion Carried.

Praller Lawsuit

A letter was received from Attorney John Flaherty re: Praller vs. Town of Sheldon. Praller's counsel indicated that the difference in assessment was due to the fact that a house was sold off in 2007.

A motion was made by Brian Becker and seconded by Paul Kirsch to table discussion of the Praller litigation until next month and the Town attorney has been contacted.

Yes 5 No 0 Motion Carried.

Open Public Hearing – Amendment of Cert. of Incorporation – Harris Corners FD

At 8:05 p.m. Supervisor Knab opened the public hearing regarding the amendment of certificate of incorporation for the Harris Corners Fire Department. Town Clerk Zittel read the legal notices published in the December 1, 2011 and December 8, 2011 Arcade Herald announcing the public hearing.

As there were no comments, Supervisor Knab continued the meeting.

New Business

Creation of Secretary to Zoning/Planning Board

Wyoming County Civil Service notified Town bookkeeper Katie Chmura, that the position of Deputy Zoning Officer does not exist as a position. Therefore, Edward Logel's position would need to be referred to as Secretary to Zoning/Planning Board.

A motion was made by Mike Armbrust and seconded by Brian Becker to create the position of Secretary of the Planning & Zoning Board for the Town of Sheldon.

Yes 5 No 0 Motion Carried.

Audit of Town Books

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the date for January 24, 2012 at 7:30 p.m. to audit the Town Clerk, Judges, Supervisor and Tax Collector books.

Yes 5 No 0 Motion Carried.

No End of Year Meeting

A motion was made by Mike Armbrust and seconded by Lynne Metz to not schedule an end of year meeting since all bills for 2011 have been submitted at this meeting.

Yes 5 No 0 Motion Carried.

Painting Board Room

Supervisor Knab informed the Board that the Town will not be able to use Wyoming County inmates to paint the town hall. Inmates cannot work for a government agency unless prevailing wages are paid. Councilman Becker asked that at least three bids be requested.

Lights in Building

It was noted that the lights in the board room need to be replaced. Highway Supt. Ricketson stated that lights in the shop also need to be replaced. He stated that Town of Eagle used someone with prices half of what he has been able to obtain. The Town Board asked him to obtain quotes for replacing lights in the hallway, offices, garage and board room.

Fee – Land Separation Application

A motion was made by Mike Armbrust and seconded by Brian Becker to set the fee for a land separation application at \$25.00 if it is brought before a regularly planned Planning Board meeting and \$125.00 if a special or rush Planning Board meeting needs to be scheduled.

Yes 5 No 0 Motion Carried.

Tax Collector Software

A motion was made by Lynne Metz and seconded by Brian Becker to give permission to Supervisor Knab to sign the 2012 tax collector software agreement with Williamson Law Book for \$330.00.

Yes 5 No 0 Motion Carried.

Inter Community Medical Building Agreement

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to Supervisor Knab to sign the participation agreement for the Inter Community Medical building for 2012.

Yes 5 No 0 Motion Carried.

Fund Transfers

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve the following fund transfers:

GENERAL

FUND

Transfer \$479.01 from A1355.2 Assessment Equipment to A1010.4 Town Board Contractual

Transfer \$1.80 from A1355.2 Assessment Equipment to A1330.4 Tax Collection Contractual

Transfer \$4.32 from A1355.2 Assessment Equipment to A1620.4 Building Contractual

Transfer \$153.31 from A1355.2 Assessment Equipment to A3310.4 Traffic Control Contractual

Transfer \$61.35 from A1355.2 Assessment Equipment to A5010.4 Highway Admin. Contractual

Transfer \$28.44 from A1355.2 Assessment Equipment to A7510.4 Historian Contractual

Transfer \$11.75 from A1355.2 Assessment Equipment to A8020.4 Planning Contractual

Transfer \$67.40 from A1355.2 Assessment Equipment to A9060.8 Hospital & Medical Insurance

Transfer \$237.22 from A8160.4 Refuse & Garbage to A8010.4 Zoning Contractual

Transfer \$384.60 from A8160.4 Refuse & Garbage to A8010.11 Deputy Zoning personal services

Transfer \$50.00 from A1670.4 Central Printing & Mailing to A7110.4 Parks Contractual

Transfer \$700.00 from A1410.4 Town Clerk Contractual to A7110.4 Parks Contractual

Transfer \$1000.00 from A1110.2 Court Equipment to A1640.4 Central Garage Contractual

Transfer \$2500.00 from A1355.4 Assessment Contractual to A1640.4 Central Garage Contractual

Transfer \$2800.00 from A1420.4 Law Contractual to A1640.4 Central Garage Contractual

Transfer \$3500.00 from A7310.4 Youth Contractual to A1640.4 Central Garage Contractual

Transfer \$2326.36 from A9010.8 State Retirement to A1640.4 Central Garage Contractual

Transfer \$250.00 from A1330.2 Tax Collection Equipment to A1330.4 Tax Collection Contractual

Transfer \$590,045.19 from A9901.9 Transfer to other Funds to DA5031 Interfund

Transfer (Highway portion of Invenenergy money)

Transfer \$57,912.50 from A599 Unexpended fund balance to A1640.4 Central Garage (2nd pmt on Storage Bldg)

HIGHWAY

FUND

Transfer \$136.34 from DA9055.8 Disability Insurance to TA19 Disability

Transfer \$1933.32 from DA5148.4 Services for other Governments Contr. To DA 9060.8 Medical Insurance
Yes 5 No 0 Motion Carried.

Bills:

A motion was made by Lynne Metz and seconded by Paul Kirsch that the General Bills #401 to #447 for a Total of \$81,604.52, the Highway Bills #213 to #240 for a Total of \$28,095.92, the Trust & Agency Bills # 47to #52 for a Total of \$2,910.16 the Varysburg Water District Bills #83 to #90 for a Total of \$1,734.99 and the Lighting District Bills for a Total of \$754.13 be paid.
Yes 5 No 0 Motion Carried.

Certificate of Incorporation – Harris Corners Fire Dept.

At 8:40 p.m. a motion was made by Lynne Metz and seconded by Paul Kirsch to close the public hearing on the amendment of certificate of incorporation for the Harris Corners Fire Department.

Yes 5 No 0 Motion Carried.

A motion was made by Brian Becker and seconded by Lynne Metz to approve the amendment to Certificate of Incorporation of the Harris Corners Fire Department, Inc. and the purposes and powers of the Corporation to include the Corporation operating as a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

Yes 5 No 0 Motion Carried.

Comments from the Floor

At 8:45 p.m. Supervisor Knab opened the floor to comments.

There was a short discussion regarding the renovation of the Wyoming County Community Hospital. Supervisor Knab was also asked about County layoffs. Supervisor Knab stated there were no real layoffs due to the elimination of positions that were vacant.

Executive Session

At 8:50 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to enter into Executive Session to discuss legal personnel with all board members present in addition to Councilman-elect Vince Kirsch and Town Clerk Carol Zittel. Yes 5 No 0 Motion Carried.

At 9:05 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to come out of executive session. Yes 5 No 0 Motion Carried.

Seminar

A motion was made by Mike Armbrust and seconded by Brian Becker to give permission to any interested Town official to attend a free seminar entitled “Capital Improvement Planning and an Overview on State & Federal Funding in Batavia on January 26, 2012.

Yes 5 No 0 Motion Carried.

Adjournment

Supervisor Knab thanked Councilman Kirsch for his service and asked him to make the final motion of the evening.

At 9:05 p.m. a motion was made by Paul Kirsch and seconded by Brian Becker to adjourn the December 20, 2011 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.