

Town of Sheldon, Annual Audit of Town Books
Bid Opening – Painting of Court Room Walls
January 24, 2012

On January 24, 2012 at 7:30 PM, the Town Board held a Special Meeting to audit the Town Justices, Town Clerk, Town Supervisor and Town Tax Collector financial books. The Town Board will also open bids for the painting of the court room walls.

Present: Supervisor John Knab, Councilperson Lynne Metz, Councilman Brian Becker, Councilman Vince Kirsch, Councilman Mike Armbrust, Bookkeeper Katie Chmura, Justice Robert Jae, Justice Fran Lefort, Town Clerk Carol Zittel and Tax Collector Donna Almeter.

Bid Opening – Court Room Walls

At 7:30 p.m. the Town Clerk opened the two bids received for the painting of the court room walls.

Bids were as follows:

Landphair Maintenance, Strykersville, NY 14145 - \$610.00

Southtowns Painting Co., South Wales, NY 14139 - \$725.00

A motion was made by Vince Kirsch and seconded by Lynne Metz to accept the bid from Landphair Maintenance, Strykersville, NY 14145 in the amount of \$610.00 to paint the court room walls.

Yes 5 No 0 Motion Carried.

2011 Book Audit

The audits were conducted in the following order: Supervisor Knab, Justice Fran Lefort, Tax Collector Donna Almeter, Town Clerk Carol Zittel, Justice Robert Jae.

The Town Board used the audit forms supplied by the NYS Comptroller's Office.

Adjournment

At 9:00 p.m. a motion was made by Lynne Metz and seconded by John Knab to adjourn the January 24, 2012 meeting.

Yes 5 No 0 Motion Carried.

REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2012

The Regular Meeting of the Sheldon Town Board held February 21, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Absent: Councilman Vince Kirsch

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, 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 17, 2012 and the minutes from the audit meeting on January 24, 2012 be approved.

Yes 4 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

Liquor License Application – Varysburg Hotel

#8 A motion was made by Mike Armbrust and seconded by Brian Becker to accept without objection the NYS Liquor application received from Katherine M. Zufall, The Varysburg Hotel, 2486 Main Street, Varysburg, NY 14167.

Yes 4 No 0 Motion Carried.

Gas Shale Drilling

#9 The Association of Towns held a special program today at their annual conference in New York City to discuss local governments and gas shale drilling.

Sheldon Fire Dept.

#10 Sheldon Fire Department sent their list of 2012 officers and 2011 financial report

Strykersville Fire Dept.

#11 Strykersville Fire Department sent their list of 2012 officers and 2011 financial report.

Supervisor Knab noted that the Town overpaid the Strykersville Fire Dept. \$300.00 for 2012. Supervisor Knab spoke with Russ Reisdorf, Treasurer of the Fire Dept.; they agreed that the Fire Dept. should keep the \$300.00 and the Town would deduct \$300 from the 2013 payment.

Strykersville Seniors

#12 The Strykersville Senior Citizens group sent a thank you letter and a list of their 2011 outings.

Gas Well Fracking

#13 The Town Clerk noted that the Planning Board asked for a moratorium on well fracking for the Town of Sheldon.

Reports

Financial Reports were presented for the month of January 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Equipment

Superintendent Ricketson reported there were no major breakdowns to equipment.

Pre-Payment of Bills

Supt. Ricketson asked if it would be possible to pre-pay bills received from Parts Associates in order to avoid shipping charges. Town Attorney DiMatteo stated this is not permitted by the Comptroller's Office.

Supervisor Report

Justice Court Grant

The Town Court was awarded the justice grant submitted to cover the cost of repairing the court room walls. The grant award is \$14,075.

Wyoming County Bills

Wyoming County Bills were \$2,758,546.32 for the month of January 2012.

Pictometry for Assessors

The Wyoming County Assessor's Association asked the Wyoming County Board of Supervisors for funding to purchase a pictometry computer program. The program would allow the assessors to access aerial views of property that would include images of buildings. Wyoming County Real Property has the program which was paid for by Wyoming County Emergency Services. Supervisor Knab supports the assessor's having use of this program stating that there are safety concerns with assessors making in person site inspections. Councilman Becker questioned whether there aren't free services out there that do the same thing.

Damaged Mailboxes

Supervisor Knab re-addressed the issue of compensating property owners for mailboxes damaged by snow plows. Per a resident's request, Supervisor Knab asked the Town's insurance agency if they cover such damage. The insurance company said it is not covered because a mailbox is on the right of way.

Dutch Hollow Bridge Replacement

Four landowners on Dutch Hollow have agreed to donate the land needed by Wyoming County Highway to put the new road bridge in.

Crossbows Use

The Board of Supervisors passed a resolution asking NYS to allow the use of crossbows during regular deer season.

Ag Roundtable

Congresswoman Hochul will be attending a Ag Roundtable tomorrow at 4pm at the County Ag Building.

Acceptance of Reports

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

Yes 4 No 0 Motion Carried.

Old Business

Cold Storage Building

Supervisor Knab stated that Ed Hulme stopped at Attorney DiMatteo's office to ask if the Town would be willing to pay an additional \$1,000 to \$1,500 for the cold storage building. Supervisor

Knab said he felt the Town should not pay any additional money and that a new structural problem has been found with one of the columns on the building. The Board had a short discussion with Attorney DiMatteo on how to proceed. Attorney DiMatteo expressed his concerns that structural issues have now arisen.

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize Attorney DiMatteo to contact an engineer familiar with steel buildings to obtain pricing on conducting a structural review of the building.

Yes 4 No 0 Motion Carried.

Praller Lawsuit

Attorney DiMatteo stated that he did not receive a response from the Attica School District on the Praller assessment challenge. Attorney DiMatteo will report back to the Board after he receives the letter from Praller's attorney and has a chance to speak with Town Assessor Valerie Pirdy.

New Business Liquid Bituminous Bids

The Town Clerk read the legal ad published in the January 26, 2012 Arcade Herald. The Town Clerk opened the two sealed bids received:

- 1.) Suit-Kote, 505 Como Park Blvd., Buffalo, NY 14227
- 2.) Midland Asphalt Materials Inc., 640 Young Street, Tonawanda, NY 14151

Hwy. Supt. Ricketson reviewed the bids and suggested that both bids be accepted stating the bids are within 2 cents of each other.

A motion was made by Brian Becker and seconded by Mike Armbrust to accept the bids from Suit Kote Corp. and Midland Ashpalt for liquid bituminous materials for a one year contract with the right to extend the contract for two (2) additional one (1) year periods.

Yes 4 No 0 Motion Carried.

Bids – Town Hall Lighting

There were three bids received to replace the lighting in the Town hall and highway garage.

- 1.) Hillside Electric, 1620 Erie Street, Darien Center, NY 14040 in the amount of \$8,527.70 payable to contractor with a NYSERDA rebate of \$895.00 available for a total job cost of \$7,632.70
- 2.) Jeffery A. Price, 11384 Stolle Rd., East Aurora, NY 14052, \$9,781.00 with a NYSERDA rebate available
- 3.) Dubai Electric, 1024 North Main St., Delevan, NY 14042, \$10,590.88 with a NYSERDA rebate of \$1,275.00 for a total of \$9,315.88

A motion was made by Lynne Metz and seconded by Brian Becker to accept the bid from Hillside Electric, 1620 Erie Street, Darien Center, NY 14040 in the amount of \$8,527.70 payable to contractor with a NYSERDA rebate of \$895.00 available for a total job cost of \$7,632.70.

Yes 4 No 0 Motion Carried.

Town of Sheldon Highway Shared Services Agreement

WHEREAS, the Town of Sheldon Superintendent of Highways reported that the Town of Sheldon currently shares equipment, materials and services with other Wyoming County municipalities and neighboring counties on an informal basis and to be in compliance with the New York State Highway Law and General Municipal Law, the Town of Sheldon is required to adopt an agreement formalizing this arrangement; and

WHEREAS, the Superintendent of Highways reported that municipalities, including the Town of Sheldon, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, the Superintendent of Highways reported that it has been determined that the Town of Sheldon and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed; and

WHEREAS, it has been determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Sheldon and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money; and

WHEREAS, it is the intent of the Town of Sheldon to give the Town's Superintendent of Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangement; and

WHEREAS, the Superintendent of Highways has presented an agreement which is expected to be adopted and placed into effect in other municipalities and will grant the person holding the position comparable to that of the head of the highway department authority to make such arrangements and has requested approval of this agreement by the Sheldon Town Board; and

WHEREAS, the Town of Sheldon has determined that it is in the best interest of the Town to be a party to such shared services arrangement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Sheldon Supervisor is hereby authorized and directed to execute the Highway Shared Services Agreement; which shall be effective immediately for five (5) years and shall expire (5) years from the date of its signing. The Town Board shall review this agreement each year, and be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to file a copy of the Highway Shared Services Agreement with the Town Clerk and Superintendent of Highways of each municipality within the County of Wyoming.

A motion was made by Lynne Metz and seconded by Brian Becker to approve the Town of Sheldon Highway shared services agreement.

Yes 4 No 0 Motion Carried.

Town of Sheldon Fund Balance Policy

A motion was made by Lynne Metz and seconded by Mike Armbrust to adopt the Town of Sheldon Fund Balance Policy.

Yes 4 No 0 Motion Carried.

SECTION I. GENERAL POLICY PURPOSE

The Town of Sheldon is dedicated to maintaining a reasonable fund balance sufficient to mitigate current and future risks (i.e. unanticipated emergency expenditures, mitigation of unexpected costs resulting from natural disasters, sudden and unexpected increases in employee benefit and other budgetary expenses and revenue shortfalls) and to ensure stable tax rates. By maintaining a sufficient level of fund balance, the Town:

- ▶ Reduces the need for urgent and significant increases in the Town tax rate.
- ▶ Ensures the Town's ability to effectively react with existing resources to emergency situation, unanticipated events and opportunities.
- ▶ Avoids the need for costly tax anticipation notes.
- ▶ Exercises good fiscal management by permitting the development of a more responsible and responsive long-term financial plan.
- ▶ Maintains or improves a strong bond rating, thereby reducing future interest expenses.

- ▶ Eliminates the need for short-term borrowing to handle cash flow between the start of the fiscal year and the receipt of revenue from taxes.
- ▶ Maximizes investment earning by maintaining adequate levels of cash and investments.

SECTION II. DEFINITION

Fund Balance is the difference between the Town General Fund current assets (cash, short-term investments, receivables) expected to be available to finance operation in the immediate future and its current liabilities.

Total Fund Balance is made up of two (2) parts:

- ▶ Reserved Fund Balance
- ▶ Unreserved Fund Balance

The reserved portion of the fund balance is made up of monies that may be used only for specific purposes and is, therefore, not available to be used for general tax reduction in the subsequent fiscal year. The unreserved portion of the balance is uncommitted and is, therefore, available for real property tax reduction, known as appropriated fund balance, or retained as inappropriate fund balance.

SECTION III. GUIDELINES

- A. The Town Board shall propose budgets that provide for an unreserved, undesignated fund balance of not less than fifteen (15%) nor more than one hundred percent (100%) of the total operating general fund and highway fund expenditures.
- B. If, at the end of a fiscal year, the fund balance falls below fifteen (15%), the Town Supervisor shall prepare and submit a plan for expenditure reductions and/or revenue increase to the Town Board. The Town Board shall take action necessary to restore the unreserved, undesignated fund balance through the budgetary process to an acceptable level within a one (1) to three (3) year period.
- C. The Town may appropriate, in whole or in part, funds designated for emergencies pursuant to a resolution of the Town Board approved by a majority of such governing body.
- D. In the event the fund balance is greater than one hundred percent (100%) at the end of any fiscal year, the excess may be used in one or a combination of the following ways:
 - 1. One time expenditure and capital expenditures that do not increase recurring operation costs; or
 - 2. Other one time costs, or the establishment of an increase in legitimate reservations or designations of fund balance.

3. Used directly to reduce the tax rate provided that care is taken to avoid a major fluctuation in the tax rate in succeeding years. The use of designated fund balance to balance the budget when related to recurring operating expenditures is discouraged.
 4. Used to fund long-term employment liabilities or emergencies as referred to in C. above.
- E. Annually during a regularly scheduled board meeting in the months of April, August and December, the Town Board shall review the current status of fund balances in each fund to determine adherence to the policies outlined above and undertake a plan of action to correct any necessary deficiencies noted by the Board as part of their review process.

Interfund Advance to Varysburg Water District

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Sheldon has various funds established for the purpose of accounting monies and other resources of the Town including special improvement districts containing monies levied from less than the entire area of the Town; and

WHEREAS, in accordance with New York State General Municipal Law §9-a. (2), a Town may temporarily advance monies held in any fund to any other fund of the Town in the same manner as budgetary transfers between appropriates are made as long as suitable records are kept; and

WHEREAS, any monies temporarily advanced shall be repaid to the fund from which they were advanced as soon as available but in no event later than the close of the fiscal year in which the advance was made; and

WHEREAS, repayment of the advance shall include an amount reasonably estimated to be the additional amount that would have been earned on the investment of monies in the fund making the advance had the advance not been made; and

WHEREAS, current municipal interest rates, as provided by local area banks, range from 1.75% to 2.25%.

NOW ON MOTION OF Mike Armbrust, which has been duly seconded by Lynne Metz, therefore, be it

RESOLVED, in accordance with New York State General Municipal Law §9-a. (2), the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to authorize the interfund

advance in the amount of \$15,000.00 from General Fund A9901.9 (transfers to other funds) to the Varysburg Water District Fund SW1-200 (cash-checking); and be it further

RESOLVED, that said \$15,000.00 when repaid by the Varysburg Water District Fund to the General Fund shall include a rate of one and fifty one-hundredths per centum (1.50%) per annum; and be it further

RESOLVED, that these amounts will be payable as soon as available but in no event later than the close of the 2012 fiscal year.

Ayes: 4

Nays: 0

Absent/Abstain: 1 Absent

Quorum Present: Yes X No ___

Dated: February 21, 2012

Town of Sheldon Investment Policy

A motion was made by Lynne Metz and seconded by Brian Becker to adopt the Town of Sheldon Investment Policy.

Yes 4 No 0 Motion Carried.

SECTION I. OBJECTIVES; AUTHORIZED INVESTMENTS

The objectives of the Investment Policy of the Town of Sheldon are to minimize risk; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with this policy, the chief fiscal officer is hereby authorized to invest all funds, including proceeds of obligations and reserve funds, in:

- A. Certificates of deposit issued by a bank or trust company authorized to do business in New York State.
- B. Time deposit accounts in a bank or trust company authorized to do business in New York State.

SECTION II. CONDITIONS

All investments made pursuant to this investment policy shall comply with the following conditions:

A. Collateral

1. All deposits (certificates of deposit, time deposit accounts and demand deposit accounts) shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments, in any combination thereof. Collateral shall be delivered to the Town of Sheldon or a custodial bank with which the Town of Sheldon has entered into a collateral agreement. The market value of the collateral shall at all times equal or exceed the principal amount of the certificate of deposit and/or other account amounts.
2. Collateral values shall be monitored no less frequently than monthly. The monitoring sheets will be made to available to the Board at any time as requested.
3. A written contract shall be required with the custodial bank.

B. Five Star Bank and the Bank of Castile are the official depositories of the various Town accounts as specified at the annual organizational meeting.

C. The chief fiscal officer of the Town of Sheldon shall establish the cash flow needs. The chief fiscal officer shall authorize the purchase of all certificates of deposits on behalf of the Town of Sheldon. The chief fiscal officer shall maintain a ledger of each certificate of deposit specifying bank, interest rate and maturity date. This ledger will be made available to the Board upon request.

D. The Town of Sheldon will encourage the purchase of certificates of deposit through a competitive or negotiated process involving telephone solicitation of at least two (2) bids for each.

SECTION III. AUDIT

At the time independent auditors conduct the annual audit of the accounts and financial affairs of the Town of Sheldon, the independent auditors shall audit the investments of the Town of Sheldon for compliance with the provisions of these guidelines.

SECTION IV. RECORDS

All records of investments and collateral holdings may be reviewed at any time upon request of the Town Board.

SECTION V. ANNUAL REVIEW

At least annually, if applicable, the Town Board of the Town of Sheldon shall review and amend, if necessary, these investment guidelines.

SECTION VI. WHEN EFFECTIVE

The provisions of this policy and amendments hereto shall take effect prospectively and shall not invalidate the prior selection of any custodial bank or prior investment.

Fuel Contract

A motion was made by Lynne Metz and seconded by Brian Becker to extend the fuel contract with Dave Reisdorf Inc. for one additional year.

Yes 4 No 0 Motion Carried.

NYS Town Clerk Association

A motion was made Brian Becker and seconded by Lynne Metz to give permission for the Town Clerk to attend the NYS Town Clerk Association meeting in Saratoga Spings, NY on April 22-25, 2012.

Yes 4 No 0 Motion Carried.

Highway Superintendent Conferences

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to the Highway Superintendent to attend Highway conferences and schools in Albany (March), Ithaca (June), and Rochester (September).

Yes 4 No 0 Motion Carried.

Board Appointments

A motion was made by Brian Becker and seconded by Lynne Metz to appoint Ken Beglinger to the Zoning Board of Appeals with a term of February 21, 2012 to December 31, 2016 and Joe Meyer to the Board of Assessment Review with a term of February 21, 2012 to September 2014.

Yes 4 No 0 Motion Carried.

Mr. Meyer replaces Vince Kirsch who was elected to the Town Board. There is still one opening on the Board of Assessment Review.

Audit Forms

A motion was made by Mike Armbrust and seconded by Lynne Metz to approve the completed audit forms from the January 24, 2012 audit meeting.

Yes 4 No 0 Motion Carried.

Town Hall Generator

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to Supervisor Knab to sign the generator maintenance agreement with Jeffery A. Price, 11384 Stolle Rd., East Aurora, NY 14052 in the amount of \$425.00 with the stipulation that a clause be added to guarantee an 8-hour emergency response.

Yes 4 No 0 Motion Carried.

Bills:

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

General Bills #31 to #63 for a Total of \$24,509.43, the

Highway Bills #15 to #38 for a Total of \$29,755.44, the

Trust & Agency Bills # 5 to #7 for a Total of \$2,059.35 the

Varysburg Water District Bills #7 to #14 for a Total of \$8,852.93 and the

Lighting District Bills for a Total of \$761.68 be paid.

Yes 4 No 0 Motion Carried.

Comments from the Floor

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

Adjournment

At 9:15 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the February 21, 2012 meeting of the Sheldon Town Board.

Yes 4 No 0 Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

March 20, 2012

The Regular Meeting of the Sheldon Town Board held March 20, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM. The pledge of allegiance was led by Boy Scout Troop #56.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Arcade Herald reporter Brianna Church, Boy Scout Troop #56. 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 February 21, 2012 be approved.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#14 Trainings

Finance School, Woodcliff Hotel in Rochester, May 9-11, 2012, cost \$200

Local Govt. Conference, Houghton College, May 9, 2012, cost \$45 prepay, \$55 at door

Spring Local Govt. Workshop, Pittsford, May 17, 2012, cost \$50 prepay, \$60 at door

Wyoming County Town Clerk Assoc., Route 78 Pub, Strykersville, cost of meal

A motion was made by Brian Becker and seconded by Vince Kirsch to give permission for Town officials to attend the above trainings/meetings.

Yes 5 No 0 Motion Carried.

#15 Folsom Trailblazers

Thank you received. Pancake breakfast March 25th at Strykersville Fire Hall.

Reports

Financial Reports were presented for the month of February 2012 from the Town Supervisor, Town Clerk and the Town Justices. A fund balance report from the Town Bookkeeper was also distributed.

Highway Superintendent's Report

Highway Projects

The Highway dept. has been making shoulder repairs, grading and patching gravel roads. The roads came through winter in pretty good shape compared to other winters.

Plan is to seal all roads paved last year, approximately 7 miles worth of roads. Fixed the drainage problem in the shop. ¼ of the town roads have been swept. Will wait until the first rain to sweep the rest.

Equipment

The 1999 pickup, truck #232 is in pretty poor shape. Oil pan is leaking substantially. Repairing it will be quite costly: \$860 for the oil pan alone. Councilman Becker gave an overview of the extensive repairs needed on the truck. Supt. Ricketson stated that all of these repairs would be in his budget but at this point we are throwing good money after bad. Councilman Armbrust asked how many miles on truck and condition of dump body? Answer: 120,778 miles, dump body not in good condition. Supt. Ricketson stated that he would be interested in getting rid of the 99 truck and the 2000 Mack and purchasing something intermediate. Councilman Armbrust asked what the 2000 Mack is worth? Supt. Ricketson responded approximately \$20,000. Councilman Kirsch asked what a new International would cost? Supt. Ricketson responded approximately \$101,000. Supervisor Knab stated that the Highway budget has \$70,000 appropriated for new equipment. If the Mack sells for \$20,000 the highway budget will still be short \$10,000.

Surplus Equipment

A motion was made by Mike Armbrust and seconded by Lynne Metz to give authorization to the Highway Supt. to get bids for a new truck and to declare the 99 Ford pickup and the 2000 Mack as surplus equipment.

Yes 5 No 0 Motion Carried.

Supervisor Report

Wyoming County Office for the Aging

Home delivery meals and congregate meal sites are doing well. Pine Lounge in Cowlesville serves as many as 80 meals on Wednesdays to seniors.

Wyoming County Jail Population

February 2012: Avg. high 70, low 65

Cost of State Retirement for Wyoming County

Year 2000: \$243,000

Projected Year 2013: \$7,600,000

Ag Plastic Recycling Update

The Wyoming County Soil & Water Conservation District and Cornell Cooperative Extension of Wyoming County will be offering their agricultural plastics baler equipment at the Sheldon Town Hall on April 16, 2012.

NIMS Training

NIMS (National Incident Management System) training at the County training center on April 19, 2012 sponsored by Wyoming County Emergency Management Office. The workshop will give an overview of the role of the County and local government during an emergency or declared disaster.

Curbside Collection

Per the curbside collection agreement in place with Nu-Way Sanitation the County has to notify Nu-Way if the County is going to go put the contract out for bids. The County Planning Office was informed by Nu-Way that they will offer the same rates in 2013 as 2012. The County has decided to remain with Nu-Way Sanitation for garbage/recycling collection for the year 2013 and not to advertise for bids.

Creek Stabilization Grant

NYS Emergency Management sent notice that all the three grant applications submitted by the Town to address creek erosion have been reviewed and meet all grant requirements. The applications have been forwarded to FEMA for review.

Varysburg Water Rates

An informational meeting regarding new water rates was held at the Varysburg Fire Dept. on March 7th. TVGA is working on applications for a 3% USDA loan to fund the new water system. Wayne Durfee, Chairman of the Water Board, suggested a concrete tank which would cost \$70,000 more than steel but would last significantly longer. Attorney DiMatteo noted that Steuben Bank gave the Town of Alexander a 1.39% interest rate.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

Old Business

Cold Storage Building

Attorney DiMatteo and the Board reviewed the quotes received from engineering companies Stantec and GPI for inspection of the cold storage building. The Town Board discussed whether hiring an engineer is necessary at this point and ultimately decided against hiring an engineer for a building inspection.

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize Town Attorney DiMatteo to request from Ed Hulme Inc. a release stating that there are no further financial obligations between the two parties.

Yes 5 No 0 Motion Carried.

Praller Lawsuit

Attorney DiMatteo distributed a proposed settlement offer from the Town of Sheldon regarding the Praller litigation.

A motion was made by Mike Armbrust and seconded by Lynne Metz to authorize Attorney DiMatteo to proceed with the proposed settlement offer.

Yes 5 No 0 Motion Carried.

New Business

Court Security

A motion was made by Brian Becker and seconded by Mike Armbrust to give permission for the Supervisor to sign the Court Security Agreement with the Wyoming County Sheriff Department at a cost of \$80 - \$85 per month.

Yes 5 No 0 Motion Carried.

Generator Replacement

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the Highway Superintendent to obtain 3 quotes for a 15k generator and electric panel box.

Yes 5 No 0 Motion Carried.

Spend Highway Funds

A motion was made by Mike Armbrust and seconded by Brian Becker to sign the agreement to spend County Highway Funds in the amount of \$518,590.00.

Yes 5 No 0 Motion Carried.

Varysburg Water Rates

A motion was made by Brian Becker and seconded by Lynne Metz to approve the new water rates for the Varysburg Water District as follows: \$12.50 for first 10,000 gallons; \$2.00 per thousand after 10,000 gallons; plus a \$50.00 per quarter debt and system maintenance fee.

Yes 5 No 0 Motion Carried.

Disposal of Old Voting Machines

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the disposal of the old voting machines for scrap.

Yes 5 No 0 Motion Carried.

Board of Assessment Review Appointment

A motion was made by Brian Becker and seconded by Mike Armbrust to appoint Jim Kirsch to the Board of Assessment Review with a term of March 20, 2012 to September 30, 2015.

Yes 5 No 0 Motion Carried.

Mr. Kirsch will be filling the vacancy left when Board member William Mest passed away.

Wyoming County Water Resources Agency

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize Supervisor Knab to sign the Memoranda of Understanding to establish a Water Resources Agency in Wyoming County, NY.

Yes 5 No 0 Motion Carried.

This memoranda of understanding is needed for the \$270,000 grant application submitted by the County.

Town Justice Training

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize the Town Justices attendance at any 2012 Justice training events.

Yes 5 No 0 Motion Carried.

Town Bookkeeper Payroll Software

A motion was made by Lynne Metz and seconded by Mike Armbrust to give the Town Supervisor approval to sign the Bookkeeper Payroll Software Agreement with Williamson Law in the amount of \$665.50 annually.

Yes 5 No 0 Motion Carried.

Bills:

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

General Bills #64 to #89 for a Total of \$20,117.60, the

Highway Bills #39 to #52 for a Total of \$26,337.84, the

Trust & Agency Bills # 9 to #12 for a Total of \$2,087.03 the

Varysburg Water District Bills #15 to #24 for a Total of \$3,962.71 and the

Lighting District Bills for a Total of \$720.45 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

At 8:50 p.m. Supervisor Knab opened the floor to comments. Questions were asked about garbage pickup and recycling sorting.

Adjournment

At 8:53 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the March 20, 2012 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

April 17, 2012

The Regular Meeting of the Sheldon Town Board held April 17, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

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

Minutes

Supervisor Knab asked that the March minutes be amended to reflect that Supervisor Knab seconded the motion to appoint Jim Kirsch to the Board of Assessment Review at the March 20, 2012 meeting. (the audio tape of the proceedings reflect that both Councilman Armbrust and Supervisor Knab seconded the motion)

A motion was made by Brian Becker and seconded by Mike Armbrust that the minutes from the Regular Board Meeting on March 20, 2012 be approved.

Yes 5 No 0 Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

Community Movie Night

#16 The Town Clerk was contacted by a company that provides movie screens for community movie nights. The cost is \$400 on a Monday night. The Town Board asked the Town Clerk to find out if rain dates are available in case of inclement weather.

Zoning Notice Ad

#17 A motion was made by Lynne Metz and seconded by Vince Kirsch to place a Town of Sheldon Zoning notice in the East Aurora and Attica Pennysavers.

Yes 5 No 0 Motion Carried.

Reports

Financial Reports were presented for the month of March 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Stone Rake

Supt. Ricketson stated that he would like to trade in the 8 ft. stone rake for a 10 ft. The 8 ft. rake is 6 inches narrower than the tractor. A brand new "York" brand name rake is approximately \$1,600.

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the Highway Superintendent to trade in the 8 ft. stone rake for a 10 ft. stone rake at a cost not to exceed \$1,600.

Yes 5 No 0 Motion Carried.

Paving Humphrey Rd.

Supt. Ricketson would like to use CHIPS money to pave Humphrey Rd. from Centerline to 20A. Eleven pipes need to be replaced before the paving can begin. Councilman Becker asked if the State was still planning on replacing the bridge at Humphrey and 20A. Supt. Ricketson stated that he heard the project is taken off the roster indefinitely. The bridge replacement over Stony Brook is scheduled for mid-June 2012.

Reimbursement – Albany Day

The Highway Superintendent Association reimbursed the Town of Sheldon \$142 for Supt. Ricketson's attendance at the lobbying day in Albany.

FEMA & Hazmat Seminars

Supt. Ricketson distributed information on a FEMA meeting scheduled for April 19th. Supervisor Knab and Hwy. Supt. Ricketson will be attending. He also distributed information on an April 30th Hazmat Emergency Mitigation seminar.

Open Bids – Medium Truck and Plow Equipment

A motion was made by Brian Becker and seconded by Vince Kirsch to schedule a meeting to open bids for a new medium sized truck and plow equipment on Tuesday, May 1, 2012 at 7:30 p.m. at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

Supervisor Report

PILOT Payments – Wind Project

The Town received \$36,337.50 from the Wyoming County IDA in PILOT payments from the Sheldon Wind Project. Wyoming County received \$46,904.00, Attica Schools received \$96,752.75 and Pioneer Schools received \$10,028.99.

Wyoming County Bills

County bills for the month of March were \$2,161,391.35

Sheriff's Patrol Cars

The Sheriff's Office purchased 5 new patrol cars. Chevrolet came in way under the other bids. 3 Impalas and 2 SUV's with front wheel drive were purchased.

Window Coverings

Supervisor Knab asked what the Board would like to do with the old curtains in the Court Room. Councilperson Metz suggested blinds for the windows. The Board asked the Town Clerk, Town Bookkeeper and Court Clerk to form a committee to replace the window coverings. Councilperson Metz volunteered to help.

Secretary to Planning Board, BAR, ZBA

Supervisor Knab stated that Elaine Almeter is currently on the Planning Board and also serves as secretary. Betti Lou Barvian is the secretary of the Board of Assessment Review. The Zoning Board of Appeals does not have a secretary. Supervisor Knab asked the Town Board for their opinion on hiring one secretary on a per diem rate for all three boards. Councilman Armbrust stated that he does not feel the secretary to a Board should also sit on the Board. Supervisor Knab asked that the Town Board think about the issue and he will place it on next month's agenda.

Acceptance of Reports

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

Yes 5 No 0 Motion Carried.

Old Business

Praller Lawsuit

Town Attorney DiMatteo reported that he sent the Town's proposal to Mr. Praller's Attorney, Peter Weinmann on April 10, 2012. The proposal was distributed to the Town Board. He has not received a response from Attorney Weinmann.

Cold Storage Building

Attorney DiMatteo informed the Board that Ed Hulme Inc. would like a letter from the Town of Sheldon stating that the Town is satisfied with the current status of the cold storage building

and that the project is complete. In return, the Town would receive acknowledgment that all payments have been received by Ed Hulme Inc. and the project is paid in full. The Town Board agreed that a letter stating the above would be acceptable.

New Business

Helmer Case

Attorney DiMatteo asked to address the Board in his capacity as Town Prosecutor regarding a case that has been brought before the Sheldon Town Court. The Helmer case involved a moving vehicle accident that resulted in the death of a child. Two charges are pending in the case. One is failure to yield the right of way and the other failure to have someone under 15 years of age in a vehicle without a lap belt. Mr. Helmer missed a stop sign and struck another vehicle resulting in the death of his young daughter. Attorney DiMatteo contacted the driver of the other vehicle, the passenger in the other vehicle and the mother of the child killed. They voiced no opposition to the possibility that the charges would not be prosecuted. The Town Board asked how this might affect a civil suit. Attorney DiMatteo stated that it won't have any effect on a civil case without a plea in place. All board members voiced their agreement in not pursuing prosecution.

Board of Assessment Review Appointment

After the last board meeting a question arose as to whether there would be a conflict of interest in Jim Kirsch sitting on the Board of Assessment Review while working for the Wyoming County Office of Real Property. Attorney DiMatteo distributed a letter stating that no conflict is evident. The Town Board affirmed the March resolution appointing Jim Kirsch to the Board of Assessment Review.

Generator - Bids

Hwy. Supt. Ricketson reported that he contacted Dubay Electric, Warning Electric, Elite Controls and Hillside for generator quotes. He was told that Hillside does not install generators.

Bids were received from the following:

Company	Address
Warning Electrical Services	431 Olean Rd., East Aurora, NY 14052
Elite Controls	11384 Stolle Rd., East Aurora, NY 14052
Dubay Electric	1024 North Main St., Delevan, NY 14042

Due to the fact that each bid was unique with bidders quoting on different brand names and sizes of generators, the Town Board decided to table discussion of the bids until the Board meets on May 1st.

A motion was made by Mike Armbrust and seconded by Lynne Metz to table discussion of the generator bids until their meeting on May 1, 2012 at 7:30 p.m.

Yes 5 No 0 Motion Carried.

Sheldon Fire Dept. Public Hearing

A motion was made by Brian Becker and seconded by Vince Kirsch to schedule a public hearing for the Sheldon Fire Department contract on Wednesday, July 25, 2012 at 7:00 p.m. at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

Harris Corners Fire Dept. Public Hearing

A motion was made by Brian Becker and seconded by Vince Kirsch to schedule a public hearing for the Harris Corners Fire Department on Wednesday, July 25, 2012 at 7:30 p.m. at the Sheldon Town Hall.

Yes 5 No 0 Motion Carried.

Youth Recreation Director

Jenna Fontaine will not be able to continue as Youth Recreation Director as she will be attending college courses this summer. Sheldon resident, Lydia Kehl, has expressed interest in the position.

A motion was made by Lynne Metz and seconded by Mike Armbrust to advertise the Youth Recreation Director position on the town website, town email newsletter and Pennysavers.

Yes 5 No 0 Motion Carried.

Moratorium Hydraulic Fracking

US Gypsum sent a letter to Supervisor Knab asking for permission to speak before the Board regarding any possible hydraulic fracking moratorium is considered. The Town Planning Board suggested that the Town Board enact a moratorium on hydraulic fracking. The Town Board discussed the issue at length. Attorney DiMatteo suggested that the Board take some time to become educated on the issue of hydraulic fracking before enacting any type of moratorium. He cautioned that the Town does not want to be pulled into a class action lawsuit filed by drilling companies against Towns that have enacted drilling bans and/or moratoriums. Attorney DiMatteo suggested that the Town Board invite Art Buckley, Wyoming County Planner, to speak before the Board. He also suggested that if a representative from US Gypsum would like to speak, that he too, be invited. Supervisor Knab said he will coordinate with Art Buckley and US Gypsum on setting up a possible date for a presentation. The Board suggested the third Wednesday of the month during a Planning Board meeting.

Stone for Cemetery Driveway

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the Highway Department to haul two loads of stone for the cemetery driveway at Route 77 and Perry Road.

Yes 5 No 0 Motion Carried.

Strykersville Fire Company – Public Hearing

A motion was made by Brian Becker and seconded by Vince Kirsch to schedule a public hearing on May 15, 2012 at 1:30 p.m. at the Sheldon Elementary School, School Street, Varysburg, NY to consider a request for an amendment of the Certificate of Incorporation of the Strykersville Fire Company, Inc. in order to change the corporate name from Strykersville Fire Company, Inc. to the “Strykersville Volunteer Fire Company, Inc.”

Yes 5 No 0 Motion Carried.

Budget Transfers & Amendments

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

Transfer \$25,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for March bills

Transfer \$10,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for April bills

Yes 5 No 0 Motion Carried.

Bills:

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

General Bills #90 to #118 for a Total of \$10,341.09, the

Highway Bills #53 to #73 for a Total of \$25,235.49, the

Trust & Agency Bills # 11 to #14 for a Total of \$1,962.17 the

Varysburg Water District Bills #25 to #33 for a Total of \$2,569.27 and the

Lighting District Bills for a Total of \$716.13 be paid.

Yes 5 No 0 Motion Carried.

Comments from the Floor

Supervisor Knab opened the floor to comments.

Varysburg Water Grant

Supervisor Knab updated the Board on the loan and grant applications submitted for the Varysburg Water District project. The Water District will be taking out a \$900,000 loan at 3% interest. Supervisor Knab is hoping that the Water District will receive \$400,000 in grant money.

Dutch Hollow Bridge

The bridge at Dutch Hollow near Strykersville is slated to be replaced this summer.

Highway Radios

Superintendent Ricketson stated that the highway radios need to be replaced in order to meet new federal requirements. The County highway department is looking into the possibility of grant funding to pay for the new radios.

Adjournment

At 9:53 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the April 17, 2012 meeting of the Sheldon Town Board.

Yes 5 No 0 Motion Carried.

SPECIAL MEETING

Generator Bids/Truck & Plow Equipment Bids

SHELDON TOWN BOARD

May 1, 2012

The Special Meeting of the Sheldon Town Board held May 1, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson

Generator

At the March 20, 2012 meeting of the Sheldon Town Board, authorization was given to Highway Superintendent Ricketson to obtain 3 quotes for a 15kW generator. Highway Superintendent Ricketson requested generator bids from the following companies:

Company	Address	Bid Amount
Warning Electrical Services	431 Olean Rd., East Aurora, NY 14052	\$7,275 – 15kW Briggs & Stratton
Elite Controls	11384 Stolle Rd., East Aurora, NY 14052	\$12,658 – 22kW, 120/240V
Dubay Electric	1024 North Main St., Delevan, NY 14042	\$6,245.24 – 20kW \$6,808.88 – 22kW

The above bids were received at the April 17, 2012 meeting of the Sheldon Town Board. The Town Board made a resolution at the April 17, 2012 meeting to review the bids on May 1, 2012.

On May 1, 2012 another bid was submitted via email by the following company. This bid did not include installation of the unit.

Better Power Inc.	2140 West Henrietta Rd., Rochester, NY 14623	\$4,341 – 17/16kW
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Due to the fact that all the bids were for different size generators the Town Board spent a lengthy time reviewing the bids. Dubai Electric bid on two different units on the same bid sheet.

The Town Board compared pricing and came to the conclusion that the Dubai bid for the 22kW generator was the best value and price overall.

Resolution to Accept Generator Bid

A motion was made by Brian Becker and seconded by Vince Kirsch to award the generator bid to Dubai Electric, 1024 North Main St., Delevan, NY 14042 for the purchase of a 22kW liquid cooled generator in the amount of \$6,808.88 inclusive of installation.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

Bid Opening – 4x2 Diesel Truck

The Town Clerk opened the bids received for a 2013 new and unused premium duty diesel 4x2 cab & chassis. The bid was advertised in the April 19, 2012 legal ad section of the Arcade Herald, posted on the Town website on April 18, 2012 and posted on the Town bulletin board on April 20, 2012.

Three bids were received from the following:

Company	Address	Bid Amount
Fleet Maintenance	67 Ransier Drive, West Seneca, NY 14224	\$63,993.00

Regional International Corp.	1007 Lehigh Station Road Henrietta, NY 14467-9311	\$51,655.00
Hunter Buffalo Peterbilt	2370 Walden Avenue Buffalo, NY 14425	\$63,048.00

Award of Bid – 2013 International Terrastar SFA 4x2

A motion was made by Mike Armbrust and seconded by Lynne Metz to accept the bid received from Regional International Corporation, 1007 Lehigh Rd., Henrietta, NY 14467 for a new and unused 2013 International Terrastar SFA 4x2 in the amount of \$51,655.00.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

SEQR Type I or Unlisted Action Resolution Authorizing Filing of Negative Declaration

Supervisor Knab read the resolution to the Town Board prior to the vote.

NOW, THEREFORE, BE IT:

RESOLVED that the Town Board of Sheldon hereby determines that the proposed project will not have a significant adverse effect on the environment for the reasons set forth in the attached Notice of Determination of Non-Significance.

RESOLVED that the Town Supervisor, John H. Knab is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Town of Sheldon's responsibility as lead agency for this action.

Motion made by: Councilperson Lynne Metz

Seconded by: Councilman Brian Becker

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

Varysburg Water District – Intent to Submit Application

Supervisor Knab read the public notice to the Town Board prior to the vote.

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Clerk to publish a legal notice in the Arcade Herald announcing the Town's intent to submit an application for a loan/grant to USDA Rural Utilities for upgrades and improvements to the Varysburg Water District System.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

Digital Camera

Supervisor Knab stated that the Town Attorney recommended that photos be taken of residences in violation of the Town Zoning Law particularly junk violators.

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize the purchase of a digital camera with a maximum purchase price of \$400.00 for use by the Zoning Officer and other Town officials in carrying out Town functions.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

The Town Board asked the Town Clerk to purchase the camera and store the software in the Town Clerk's office.

Use of Hall

The Town Clerk notified the Board that a resident asked to use the Town Hall to conduct interviews for job placement. The Town Board was not comfortable with loaning the hall out to for profit businesses.

Bid - Plow, Dump, Wing & Hydraulics

The bid was advertised in the April 19, 2012 legal ad section of the Arcade Herald, posted on the Town website on April 18, 2012 and posted on the Town bulletin board on April 20, 2012.

The Town Clerk opened the sealed bids received from the following:

Company	Address	Amount
Viking-Cives USA	2917 Judge Rd., Oakfield, NY 14125	\$50,293.00
Valley Fab & Equipment, Inc.	9776 Trevett Rd., PO Box 380, Boston, NY 14025	\$56,108.25

Highway Superintendent Ricketson reviewed the two bids received. He reported to the Town Board that although Viking-Cives deviated considerably from the specifications, the Village of Arcade has the same truck from Viking-Cives and the Sheldon Highway Department liked Arcade's truck.

Award of Bid – Plow, Dump, Wing & Hydraulics

A motion was made by Vince Kirsch and seconded by Mike Armbrust to award the bid for a new and unused dump box (10 foot), hydraulic plow equipment and sander to Viking-Cives USA of WNY, 2917 Judge Rd., Oakfield, NY 14125 in the amount of \$50,293.00 with the recommendation to have the dump body sandblasted and coated with zinc primer, one coat of epoxy primer and one coat of urethane topcoat.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

Adjournment

At 9:50 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the May 1, 2012 Special Meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Armbrust, Becker, Metz

Noes: (0)

Motion Carried.

REGULAR MEETING
SHELDON TOWN BOARD
May 15, 2012

The Regular Meeting of the Sheldon Town Board held May 15, 2012 at the Sheldon Elementary School, was called to order by Supervisor John Knab at 1:00 PM. The Pledge of Allegiance was led by 4th grade student Michael Peresan.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz

Recording Secretary: Town Clerk Carol Zittel

Absent: Councilman Mike Armbrust, Councilman Vince Kirsch

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Arcade Herald reporter Brianna Church and the 4th grade students of Sheldon Elementary. 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 Brian Becker that the minutes from the Regular Board Meeting on April 17, 2012 and the Special Meeting on May 1, 2012 be approved.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#18 Letter of Reference – Debbie Smith

Debbie Smith of Java, NY asked for a letter of reference from the Sheldon Town Board to the Bennington Town Board. Ms. Smith held yoga classes at the Sheldon Town Hall in 2010. The Town Clerk read the letter of reference she wrote for Ms. Smith.

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the Town Clerk to send the letter of reference to the Bennington Town Board.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Town Clerk Training

#19 The Town Clerk thanked the Town Board for the opportunity to attend the annual NYSTCA conference and Houghton Training. Session attended included the following: Annual Business Meeting, Open Meetings Law, NYS Dept. of Health Birth & Death Records, Town Clerk Responsibilities, Legal Questions Answered by the Association of Towns Legal Counsel, NYS DEC licenses, NYS Dept. of Health Marriage Licenses, NYS Comptroller Competitive Bidding & Surplus Equipment Disposal, Leadership Class, Fiscal Responsibilities for the Town Clerk, Town Clerk's Roundtable, Freedom of Information Law, Minute Indexing.

Assessment – Highway Garage

#20 Assessment Notification – The assessment on the Highway garage has increased by \$100,000 due to the cold storage building addition.

Wyoming County Animal Shelter & Officer

#21 Satisfactory reports were received from the NYS Dept. of Ag & Markets for the Wyoming County Animal Control Officer and the Wyoming County Animal Shelter.

Town Hall Generator

#22 The Town Clerk notified the Board that the quote received from Dubay Electric for the 22kW generator was not \$6,880.00 as the board had interpreted the quote. The actual price for the 22kW generator was \$11,442.48.

A motion was made by Brian Becker and seconded by Lynne Metz to rescind the May 1, 2012 motion which awarded the generator bid to Dubay Electric. The Town Board decided to table any further discussion on the generator until the June meeting.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Reports

Financial Reports were presented for the month of April 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Humphrey Road

Eleven culverts were slated to be replaced on Humphrey Rd. Two of the eleven were eliminated from the list.

Paving Centerline Rd.

An estimate cost for the paving of Centerline Rd. between Maxon Rd. & Johnsonsburg is \$142,000.00. \$84,000.00 in CHIPS funding will be used for the project.

Highway Radios

The Town Highway radios need to be replaced or reprogrammed due to the new regulations enacted to clear airwaves for cell phone use. It will cost the Town of Sheldon approximately \$5,736.00 to reprogram or replace 15 radios. The County Highway Dept. informed the Towns that grant money is not available. The County will put the radio purchase out for bid. There

was a question as to what to do with the old radios. Highway Superintendent Ricketson stated that they will be of no use to anyone. Councilman Becker suggested recycling the radios in the proper manner.

Supervisor Report

Wyoming County Bills

April 2012 - \$2,181,427.31

Time Warner Franchise Fee

The Town received a check in the amount of \$19,864.34 from Time Warner for the 2011 franchise fee.

Mortgage Tax Payment

The Town received a check from the Wyoming County Treasurer in the amount of \$9,352.83 from mortgage tax revenue. This is the first of two yearly payments.

Wyoming County Salt Bid Prices

Salt prices for 2012-2013 will be \$40.49 per ton delivered. The County did not have to re-bid the salt contract because the current supplier agreed to keep rates the same.

Cost of Republican Primary

600 people voted in the April 24, 2012 Republican primary. The cost for Wyoming County to hold the primary was \$9,575.68 or \$15.95 per voter. Another primary is scheduled in June.

4-H Camp Scholarship

Supervisor Knab announced that Sheldon Elementary 4th grade student Nathan Nick has been selected to receive a free week at 4-H camp.

Acceptance of Reports

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

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Q&A with 4th Graders

At 1:20 p.m. Supervisor Knab opened the floor for questions from the 4th grade classes. The following questions were asked:

Q: Why do we need to make voting machines scrap?

A: Supervisor Knab: we now have new electronic machines

Q: How long does it take to approve something?

A: Supervisor Knab: Normally a few minutes but sometimes longer. The wind project took 5 years.

Q: Is it hard to be Town Supervisor?

A: Supervisor Knab: Sometimes. I am in my 43rd year in local government and I have had the chance to meet a lot of nice people.

Q: Was it hard or easy to run for Town Supervisor?

A: Supervisor Knab: Sometimes it was real easy and sometimes it was real difficult. I have been fortunate to be re-elected so many times.

Councilperson Metz: To get elected you have to get out and meet the people of your Town.

Q: Do all Town Board members have to attend the meetings?

A: Councilperson Metz: No. Sometimes members aren't here like today. We have to have a quorum though.

Q: How many people attend a meeting?

A: Supervisor Knab: Usually only 8-12 people but when the windmills were being discussed we had 200 people at a meeting.

Q: What if the Town Supervisor is not present at a meeting?

A: Supervisor Knab: My Deputy Supervisor, Councilperson Lynne Metz would take over.

Q: How do you decide where the meeting takes place?

A: Supervisor Knab: We usually have them at the Town Hall but today we were invited here.

Q: How do you decide what is important and what isn't?

A: The agenda changes every month. Last month we purchased a new truck.

Q: How do you decide if some people vote for something and some vote against?

A: Supervisor Knab: The majority wins.

Councilman Becker: We talk to people in the Town to try and ascertain how they want us to vote.

Q: What is the main problem in the Town?

A: Maintaining the roads. It is very expensive to maintain the roads.

Highway Superintendent Ricketson: We try to keep the roads in good condition and not raise taxes.

Q: How do you know what to discuss?

A: Every meeting different issues arise. For example, today we will discuss the need for a local law regarding solicitation & peddling.

We are also going to talk about a Town movie night at the park.

Councilperson Metz: Would you come to a movie night?

All the students raised their hands.

Old Business

Praller Lawsuit

Attorney DiMatteo was not present to update the Town on the Praller assessment litigation.

New Business

Public Hearing – Strykersville Fire Dept. – Certification of Incorporation

Supervisor Knab read the public hearing notice published in the April 26, 2012 and May 3, 2012 legal ad section of the Arcade Herald. At 1:30 p.m. the public hearing was opened for comments. As there were no comments, the meeting continued.

Appointment Recreation Supervisor

Two resumes were submitted for the position of recreation supervisor. The Board recognized that both applicants were qualified for the position but preferred to hire a Town of Sheldon resident.

A motion was made by Brian Becker and seconded by Lynne Metz to appoint Lydia Kehl to the part-time position of recreation supervisor.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Maintenance Agreement - Copier

A motion was made Lynne Metz and seconded by Brian Becker to authorize the Town Supervisor to sign the copy machine maintenance agreement with Complete Office Solutions, Arcade, NY at the annual fee of \$371.00.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Youth Recreation Insurance Blanket Coverage

Supervisor Knab informed the Board that the Town needs to find a new insurance carrier for the youth program. Hartford Insurance will no longer offer this coverage . Tompkins Insurance will find another insurance carrier for the youth program.

Teamsters Health & Hospital Participation Agreement

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the Town Supervisor to sign the Teamsters Health & Hospital Participation Agreement for highway employees.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Monday Movie Night at the Park

A motion was made by Lynne Metz and seconded by Brian Becker to schedule a date for a Town movie night at the Vincent Almeter Memorial Park.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

The Town Clerk has contacted Garbaz Video requesting references from other municipalities that have utilized their services. The Town baseball program would be asked to sell refreshments during the event.

Peddling & Soliciting Law

A town resident contacted Supervisor Knab regarding the Town enacting a Peddling & Soliciting Law in the Town of Sheldon. Supervisor Knab distributed copies of Pike's and Warsaw's Town Laws to the Town Board. Town Clerk Zittel will contact the Town of Attica for a copy of their Law. The Town Board will review the laws and discuss at their June meeting.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills. A question was asked about the Hillside bill. Supervisor Knab read the totals from each fund aloud.

A motion was made by Lynne Metz and seconded by Brian Becker that the

General Bills #119 to #148 for a Total of \$19,693.02, the

Highway Bills #74 to #89 for a Total of \$18,847.90, the

Trust & Agency Bills # 15 to #18 for a Total of \$1,766.16 the

Varysburg Water District Bills #34 to #38 for a Total of \$2,832.94 and the

Lighting District Bills for a Total of \$679.40 be paid.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

Comments from the Floor

Supervisor Knab opened the floor to comments.

Election Polling Places

Election inspectors Gertrude Hyman and Elaine Almeter asked the Town Board to consider consolidating polling sites in the Town of Sheldon due to the recent low turnout at the April Republican primary. The Town Board discussed the issue and expressed their interest in finding out how much actual cost savings would result from consolidation. Supervisor Knab will invite Board of Elections Commissioner, Jim Schlick, to speak to the Town Board.

Dutch Hollow Bridge Replacement

A resident asked if Dutch Hollow will be closed this summer for the proposed bridge replacement. Highway Superintendent Ricketson answered that the County will put the project out for bid on June 2nd. If the bid winner can have the project completed by the time school starts the project will probably proceed this summer.

Zoning Violations

A planning board member asked if progress has been made on zoning violation enforcement. Zoning Officer, Ken Martin, responded that photos have been taken of properties in violation and that Town Attorney Dave DiMatteo will handle the paperwork.

Closing of Public Hearing

As there were no comments, at 2:10 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to close the public hearing considering the request for an amendment of the Certificate of Incorporation of the Strykersville Fire Company, Inc.

Ayes: (3) Knab, Becker, Metz Nays: (0) Motion Carried.

Approval of Amendment to Certificate of Incorporation

A motion was made by Brian Becker and seconded by Lynne Metz to approve the Certificate of Amendment to the Certificate of Incorporation of the Strykersville Fire Company, Inc. (the "Corporation") amending the name of the Corporation to the "Strykersville Volunteer Fire Company, Inc."

Ayes: (3) Knab, Becker, Metz Nays: (0) Motion Carried.

Adjournment

At 2:15 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the May 15, 2012 meeting of the Sheldon Town Board.

Ayes: (3) Knab, Becker, Metz Nays: (0)

Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

June 19, 2012

The Regular Meeting of the Sheldon Town Board held June 19, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Board of Election Commissioners Jim Schlick and Anna Mae Balmas, 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 Brian Becker and seconded by Lynne Metz that the minutes from the Regular Board Meeting on May 15, 2012 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

Liquor Licenses

#23 Received from Six Star Post 637 Inc. notification of application for an on-premises alcoholic beverage license. Received notification from Wayne Abbott, owner of the Flip Side Restaurant, that the NYS Liquor Authority approved his application to operate an outdoor bar.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to accept without objection the NYS Liquor application received from Six Star Post 637, Main Street, Strykersville, NY 14145.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Cold Storage Building

#24 Letter received from Ed Hulme Inc. stating that all payments received from the Town of Sheldon are in full satisfaction and there is nothing due or owing by the Town of Sheldon to Edward Hulme Inc.

Wyoming County Town Clerk Association

#25 A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to the Town Clerk to attend a Wyoming County Town Clerk meeting at the Orangeville Town Hall on Monday, June 25, 2012.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Swim Program

#26 A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the Town Supervisor to sign the Youth Recreation swim program contract with Byrncliff Resort.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Community Movie Night

#27 Town of Sheldon movie night is scheduled for Monday, July 30th at the Vincent Almeter Memorial Park. Sheldon Youth Baseball will run the refreshment stand. The Town Clerk will make flyers and post around Town.

Zoning Complaint

#28 Supervisor Knab asked the Town Clerk to read a letter received from Judi Laird, Varysburg, NY. Ms. Laird runs a bed and breakfast in Varysburg. The letter asks the Town Board to address the Zoning Violations of her neighbor's property.

Arcade & Attica Railroad – IDA Exemption

#29 The Town Clerk read a letter received from the Wyoming County Industrial Development Agency requesting that the Town of Sheldon extend the Arcade & Attica Railroads lease with the WCIDA which exempts the railroad from property taxes.

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the extension of the tax exemption for the Arcade & Attica Railroad, Arcade, NY.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Reports

Financial Reports were presented for the month of May 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Hwy. Supt. Ricketson attended the 65th Annual Highway Superintendent School in Ithaca on June 11-13.

Dutch Hollow Road

The County will be working on the shoulders of Dutch Hollow Road. The road is slated to be paved next year. Work on the Dutch Hollow bridge is scheduled to begin on July 9th with the project projected to run into late fall.

CHIPS Projects

CHIPS funding sealed Schwab, Maxon, Burrough and Bartz Roads. This year it cost \$94,000 for oil and stone to cover 6.5 miles. In 2004 the cost of oil and stone to cover 17.1 miles was \$57,000. CHIPS funding for 2012 was \$84,000 and won't even cover the \$94,000 spent to oil and stone 6.7 miles.

Signage – Centerline Rd.

Hwy. Supt. Ricketson asked the Board for their input regarding a request for road signage from a Centerline Rd. resident. Hwy. Supt. Ricketson stated that a tractor sign would cost approximately \$100. The Town Board felt there was not a need for signage on the road.

Supervisor Report

Dairy Month

The Wyoming County Board of Supervisors proclaimed June as Dairy Month in Wyoming County.

Dutch Hollow Bridge

Hunting Valley Construction Inc. of Cheektowaga, NY was low bidder for replacement of Dutch Hollow Rd. bridge with a bid of \$1,032,303.10.

Revenue Sharing Check

The Town received a semi-annual revenue sharing check from Wyoming County for \$1,969.81. This is a portion of mortgage tax paid to County Clerk.

Town Equalization Rate

The Town of Sheldon received notice of a tentative equalization rate of 90%, same as last year.

Youth Recreation Insurance

A new insurance company will insure the youth recreation program for 2012. The cost is less than last year with more coverage.

Wyoming County Bills

Bills for May 2012 \$1,325,773.85

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

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

General Bills #149 to #190 for a Total of \$17,759.33, the

Highway Bills #90 to #108 for a Total of \$16,652.99, the

Trust & Agency Bills # 19 to #24 for a Total of \$2,510.42 the

Varysburg Water District Bills #39 to #47 for a Total of \$1,339.11 and the

Lighting District Bills for a Total of \$653.91 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Old Business

Praller Lawsuit

Attorney DiMatteo was not present to update the Board on the Praller litigation. Supervisor Knab stated that the Prallers Attorney has not responded to Attorney DiMatteo's phone calls.

New Business

Consolidation of Polling Sites

Wyoming County Board of Elections Commissioners James Schlick and Anna Mae Balmas addressed the Town Board regarding consolidating polling sites in Sheldon. Mr. Schlick stated there are 1693 registered voters in Sheldon. One election machine can handle 3000 voters. Mr. Schlick stated that one of the Towns polling sites, the American Legion, serves alcohol which is not allowable under the election law.

A motion was made by Brian Becker and seconded by Mike Armbrust to consolidate the three polling sites in the Town of Sheldon into one location, the Sheldon Town Hall, effective September 13, 2012.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

New Generator

A motion was made by Vince Kirsch and seconded by Mike Armbrust to schedule a meeting on Wednesday, July 25, 2012 at 6:00 p.m. at the Sheldon Town Hall to write specifications for a new generator.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Local Law – Peddling & Soliciting

A motion was made by Mike Armbrust and seconded by Lynne Metz to request the Town Planning Board review the sample Peddling & Soliciting Laws for their recommendation.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Highway Snow Agreement

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the Town Supervisor to sign the 2013-2014 snow agreement with Wyoming County Highway Department.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Secretary for Planning Board, ZBA & BAR

A motion was made by Lynne Metz and seconded by Vince Kirsch to advertise the position of Secretary to the Town Planning Board, Zoning Board of Appeals and Board of Assessment Review.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Dog Enumerator

A motion was made by Vince Kirsch and seconded by Brian Becker to appoint Brett Friedhaber as dog enumerator.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Dog Enumeration Ad

A motion was made by Vince Kirsch and seconded by Brian Becker to place notification of the dog enumeration in the Attica and East Aurora Pennysavers.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Zoning Violations – Wright Property

Mr. Shawn Wright, Varysburg, NY, addressed the Town Board asking for more time to come in compliance with the Town Zoning Law.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to give Mr. Wright a 90 day extension (September 20, 2012) to come into compliance with the Town Zoning Law.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Zoning Violations – Legal Action

A motion was made by Lynne Metz and seconded by Mike Armbrust to give authorization to Town Attorney David DiMatteo to proceed with legal action for the Spink and Trathlen Land zoning violations.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Fireworks Permit

A motion was made by Mike Armbrust and seconded by Lynne Metz to approve the new fireworks application and to set the fee for a fireworks permit at \$25.00.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Resolution in Support of NYS Pension Reform

WHEREAS, In the fall of 2010, The New York State Association of Counties (NYSAC) embarked on its 9 for 90 Campaign in a grassroots effort to educate New York State representatives and tax payers alike on the impact the Governor’s newly proposed and State Senate passed Tax Cap will have on New York State Counties; and

WHEREAS, NYSAC identified just 9 state mandates that equaled 90 percent of all county property taxes levied in 2010 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, In Wyoming County, in 2010 the 9 state mandated programs identified by NYSAC equaled 112% of county property taxes levied and in 2012 that number has climbed to a staggering 118% of county property taxes levied. Thus leaving sales tax revenues to make up the difference and take away from essential local services such as Deputy Sheriff Road Patrol, County Roads and Bridge maintenance, and services for our aging and youth; and

WHEREAS, The Sheldon Town Board believes that the present formula by which Towns are assessed employee pension contributions is flawed; now therefore

BE IT RESOLVED, That the Sheldon Town Board calls upon New York State Governor Andrew Cuomo, as well as the State Legislature to implement a 15 year look back period that more accurately reflects market conditions, ultimately reducing pension costs to municipalities in New York State vs. the current 5 year look back period; and be it

FURTHER RESOLVED, That the Town Clerk be hereby instructed to send certified copies of this resolution to New York State Governor Andrew Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman Daniel Burling as well as to the New York State Association of Counties and New York State Association of Towns.

Motion made by Brian Becker, seconded by Vince Kirsch

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

At 9:10 p.m. Supervisor Knab opened the floor to comments.

Floor Hockey Rink – Varysburg Park

Mr. Tom Kibler addressed the Town Board regarding the possibility of constructing a floor hockey rink at the Vincent Almeter Memorial Park in Varysburg.

Four Action Items:

- Supervisor Knab will inquire as to how a rink would affect the Town's insurance
- Hauling of materials – Hwy. Supt. Ricketson stated that it would probably require a days worth of trucking which he is willing to allocate Hwy. resources
- Mike Armbrust will contact Tom Schiltz to see if he is interested in selling his rink
- Supervisor Knab will set up a meeting with the park committee

Mr. Kibler asked the Board if he should proceed with looking for funding for the project to which Councilman Becker responded that he should keep going forward.

Zoning Law – Recreational Vehicles

The Town Board has asked the Town Planning Board to review the Town Zoning Law's section on recreational vehicles. The Town Board would like their input on interpretation, enforcement, fees and applications for Section 5130 of the Town of Sheldon Zoning Law.

Adjournment

A motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the June 19, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

July 17, 2012

The Regular Meeting of the Sheldon Town Board held July 17, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David Roach

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin and many residents from Popular Point. 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 Vince Kirsch that the minutes from the Regular Board Meeting on June 19, 2012 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#30 Change to June 2012 General Abstract

A bill for the Hwy. Superintendent's attendance to Highway School was mistakenly listed twice on the general abstracts. The General Bills decreased from \$17,759.33 to \$17,624.33.

#31 Movie Night

Ad will run in July 22nd Attica and East Aurora Pennysavers.

#32 Thank you from Sheldon Youth Baseball

Sheldon Youth Baseball sent a thank you to the Town Board for the purchase of the Erie Ball Mix for the ball field and for the Town's support.

#33 Time Warner Bill

The Time Warner bill increased due to a new federal subscriber line charge of \$3 per line.

#34 Planning & Zoning Schools

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize Town officials to attend upcoming Planning & Zoning Schools sponsored by the Association of Towns.

Friday, July 27th at Buffalo Marriott

Friday, August 3rd at Woodcliff Lodge, Rochester

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Reports

Financial Reports were presented for the month of June 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Centerline Paving

Centerline Rd. was paved from Maxon Rd. to Rt. 98. Approx. cost \$145,000.00. CHIPS funding will be \$84,402.00 with check expected to arrive in September.

Dutch Hollow Bridge Detour

The Dutch Hollow bridge replacement has begun with completion expected November 2012. Requests have been made for speed limit signs on Bartz Rd. during the detour. Hwy. Supt. Ricketson has asked the contractors to put up some construction signs on the road.

Sealing of Lot and Town Park

One quote has been received for the sealing of the Town hall parking lot and the Town park walking path and driveway. The quote for the hall lot was \$1,168. The quote for the park was \$2,357 but does not include the basketball court.

Supervisor Knab asked Hwy. Supt. Ricketson to obtain more quotes.

Hwy. Supt. Ricketson suggested that the shoulders of the Town park driveway be built up to protect the blacktop.

A motion was made by Vince Kirsch and seconded by Brian Becker to build up the shoulders on the town park driveway using materials determined by the Highway Superintendent as suitable.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Supervisor Report

Wyoming County bills \$2,028,882.31

Board of Supervisors Meeting – Pike Fair

The August meeting of the Board of Supervisors will be held at the Pike Fair on August 14th at 2pm in the 4-H building.

Varysburg Water Grant

The loan paperwork has been submitted to the USDA.

Supervisor Knab has contacted Congresswoman Kathy Hochul's office for assistance in finding funding for the water project.

Old Business

Peddling & Soliciting Law

The Town Planning Board has been asked to review the sample Peddling & Soliciting laws at their July 18th meeting.

New Business

Popular Point Homeowners Association

18 residents of Popular Point were present to address the Board regarding ongoing disputes with one neighbor. Mr. Ken Moser spoke on behalf of the Association. Mr. Moser outlined a list of complaints against Mr. Jason Kenyon who is residing at a Popular Point property owned by Mr. Eric Ernst. Mr. Kenyon was present at the meeting; Mr. Ernst was not. Mr. Moser stated that Mr. Kenyon has commercial vehicles/equipment on his property which he runs/operates as late as 11pm in the evening. Mr. Moser stated that the police have been called to the property between 12-13 times. The Popular Point Homeowners Association specifically asked the Town Board to enforce the Town Zoning laws which prohibit overnight parking of these vehicles. Membership in the Association is not mandatory for all Popular Point property owners. Town Zoning Officer, Ken Martin, stated that he has issued a stop work order to Mr. Kenyon and that he has ten days to get rid of the 2 commercial snow plows. Mr. Martin went on to say that if he does not get rid of them within that time frame then the Town Attorney's office will be notified to pursue legal remedies. Town Attorney, David Roach, asked Mr. Kenyon how long it will take him to complete the work on the property. Mr. Kenyon replied that he could be finished in 3 more weekends. The Popular Point residents thanked the Town Board for their time and left the meeting.

Highway Superintendent School

A motion was made by Lynne Metz and seconded by Vince Kirsch to give permission to the Highway Supt. to attend the Highway Superintendent fall conference September 25-28, 2012 in Rochester, NY.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Gate – Water Reservoir Property

Supervisor Knab was informed by the 4-H Camp that 4-wheelers have been driving on the pathway which leads to the Varysburg Water Reservoir which is situated on 4-H property. Recently, these 4-wheelers injured a camp counselor. 4-H has requested that the Town share the cost of erecting a gate to prevent 4-wheelers from accessing the path.

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the purchase of a gate for the pathway leading to the current Varysburg Water Reservoir.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Hockey Rink – Town Park

Supervisor Knab informed the Board that the Varysburg Park Committee does not support the building of a hockey rink at the park. The Committee feels there is not adequate room/parking for the proposed rink. Supervisor Knab will inform Tom Kibler of their decision. Supervisor Knab will also contact Town of Java Supervisor, Jim Fleischmann, to see if Java would be interested in building a rink at their park.

Budget Transfer

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the transfer of \$250,000.00 from the General Money Market Fund (A201) to the Highway Money Market Fund (DA201).

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Emergency Response Plan

A motion was made by Mike Armbrust and seconded by Brian Becker to table discussion of the Town's emergency response plan until the August meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

A motion was made by Lynne Metz and seconded by Mike Armbrust that the General Bills #191 to #226 for a Total of \$38,105.90, the Highway Bills #109 to #125 for a Total of \$206,361.65, the Trust & Agency Bills #25 to #29 for a Total of \$1,912.61 the Varysburg Water District Bills #48 to #55 for a Total of \$1,836.40 and the Lighting District Bills for a Total of \$623.86 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

Sheldon Farming Book

Mary Kehl from Invenergy LLC notified the Town that the historic book about farming is in print. She will distribute copies to Supervisor Knab when she receives them.

Wind Turbines

Ms. Kehl informed the Board that GE is addressing an issue with some of the turbines emitting a roaring sound.

Buffalo Hill – Jam in the Valley

A resident asked Supervisor Knab about the permit issued to Mr. Sonny Attea to hold the Jam in the Valley concert. The resident was interested to know how many people are permitted at the event. The resident also commented that Mr. Attea should be obligated to clean the mess that is left along Route 20A and nearby roads.

Enter Executive Session

At 8:45 p.m. a motion was made by Brian Becker and seconded by Lynne Metz to enter into Executive Session for the purpose of discussing the pending Praller assessment litigation. The Town Board invited Attorney David Roach and Town Clerk Carol Zittel into the session.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Exit Executive Session

At 9:15 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to end the Executive Session discussing the pending Praller assessment litigation.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Adjournment

At 9:15 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the July 17, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Special Meeting – Generator Specifications

SHELDON TOWN BOARD

July 25, 2012

The Special Meeting of the Sheldon Town Board held July 25, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 6:00 PM.

Present: Supervisor John Knab

 Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

 Recording Secretary: Town Clerk Carol Zittel

Also present: Jeff Price from Elite Controls

Jeff Price from Elite Controls was present to answer any questions in regarding the letter faxed to Town Board members from Gary Wheat, marketing assistant for Better Power Inc. A generator purchased from Better Power Inc. would be made using the NYS Contract. Mr. Price

answered a few questions from the Board and then left the meeting. The Town Board went into further discussion and drew up the following specifications for a generator:

- 25kw qt liquid cooled, 1800 rpm
- Aluminum housing
- 200 amp full load with priority zones, transfer switch
- Natural gas
- Block heater on temp stat
- Conduit and wire from generator to transfer switch
- All wiring from main panel to transfer switch
- Gas piping from generator to building gas services including shut off valves (1 inch line)
- Factory start up
- Concrete pad by owner
- Remove existing generator, electrical and gas piping and turn over to owner
- Alt: for yearly service agreement
- Alt: remove existing 225 amp electrical panel and install new 225 amp panel with new breakers

Can Dave list on panel schedule – with spare 15 and 20 amp breakers, commercial grade panel?

In summary, the Board agreed to install a supplied generator on south side of building within building code requirements with wiring to circuit box, running of gas hook up to generator, installing full load switch with priority zoning to existing panel with 1 inch black iron pipe. The Board unanimously agreed to schedule installation of the generator until next year using the 2013 budget funds.

The meeting adjourned at 7:40 p.m.

REGULAR MEETING

SHELDON TOWN BOARD

August 21, 2012

The Regular Meeting of the Sheldon Town Board held August 21, 2012 at the Sheldon Historical Society, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, members of the Sheldon Historical Society. 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 Vince Kirsch that the minutes from the Regular Board Meeting on July 17, 2012, the minutes from the July 25, 2012 Sheldon and Harris Corners Fire Dept. public hearings and the minutes from the July 25, 2012 generator meeting be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications:

Town Clerk Carol Zittel reported on the following items:

#35 Harris Corners FD Contract

A public hearing was held on July 25, 2012 at the Sheldon Town Hall regarding the Harris Corners Fire contract. No representative from the Town of Bennington was present at the meeting. Town Clerk Carol Zittel contacted Judy Brown, Town Clerk of the Town of Bennington and was informed that the Town of Bennington tabled discussion regarding the Harris Corners Fire contract at their August meeting. They will re-address the issue at their September meeting. The Harris Corners Fire Dept. asked for a one year contract with a 2% increase. The Town of Sheldon will wait for a response from the Town of Bennington before proceeding with the contract renewal.

#36 **Patriot Guard Riders**

A framed certificate was presented to the Town of Sheldon community in gratitude for the community's participation in Patriot Guard Rider events.

#37 **Letter from Assemblyman Dan Burling**

The Town Clerk read the reply letter from Assemblyman Burling regarding New York State pension reform.

Reports

Financial Reports were presented for the month of July 2012 from the Town Supervisor, Town Clerk and the Town Justices. Supervisor Knab also distributed a fund balance report to the Town Board.

Highway Superintendent's Report – Hwy. Superintendent David Ricketson reported on the following:

2009 Peterbilt

The ejector pump is fixed and the truck is running well.

2012 Peterbilt

The thermostat oil reading is running high. The issue was reported to Peterbilt. Peterbilt said it is not an issue to worry about.

2013 International

The new truck is in but the body is not ready yet. Hwy. Supt. Ricketson informed the Board that the truck will not be sprayed with a zinc primer. The Town Board asked the Town Clerk to read the resolution awarding the bid to verify if the specs or resolution specifically asked for a zinc primer. The specifications did not mention the zinc primer. The Town Clerk read the resolution from the May 1, 2012 meeting:

A motion was made by Vince Kirsch and seconded by Mike Armbrust to award the bid for a new and unused dump box (10 foot), hydraulic plow equipment and sander to Viking-Cives USA of WNY, 2917 Judge Rd., Oakfield, NY 14125 in the amount of \$50,293.00 with the recommendation to have the dump body sandblasted and coated with zinc primer, one coat of epoxy primer and one coat of urethane topcoat. Town Attorney, David DiMatteo asked the Town Clerk to send him a copy of the letter sent to Viking-Cives notifying them of the bid award. Councilman Armbrust noted that it would be well worth the Town's money to have the zinc primer applied. Hwy. Supt. Ricketson will speak with Attorney DiMatteo tomorrow to decide on how to proceed with the matter.

Request to Take 2013 International – Fall Hwy. Conference

The salesman from International asked Hwy. Supt. Ricketson if his company could take the Town's new 2013 International to the Hwy. Supt. Conference September 23-28, 2012 in Rochester. The Town Board approved the request as long as the truck is under their insurance and license plates.

Countyline Invoice

Councilmember Metz asked Hwy. Supt. Ricketson about the Countyline Stone bill. Hwy. Supt. Ricketson stated that last month's bill was incorrect. This month's bill corrected the billing mistake made by Countyline.

Supervisor Report – Supervisor John Knab reported on the following:

Town Equalization Rate

The Town of Sheldon equalization rate for 2013 is 90% which is the same as 2012.

Dutch Hollow Bridge

The cost to replace the bridge on Dutch Hollow is \$1,345,300.00. To replace the bridge on Griffith Rd. in Pike the cost will be \$1,037,100.00.

Highway Radios

Saia Communications was awarded the County bid for new 2-way radios.

Opposition to Thruway Toll Increase

The Board of Supervisors passed a resolution opposing the proposed 45% increase for commercial vehicles using the Thruway. The Board of Supervisors stated their concern with these commercial vehicles using other roadways to avoid the thruway tolls.

Wyoming County Bills

Wyoming County bills for July 2012 were \$1,871,273.95.

Shale Development Meeting

Monday, September 17th from 6:30-9:30p.m. at the Letchworth CSD Auditorium. All are invited. Moderated by Wyoming County Planning Board Director, Art Buckley.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Old Business

Pending Praller & Verizon Litigation

The Town Board will enter into Executive Session at the end of the meeting to discuss pending litigation.

Peddling & Soliciting Law

The Town Planning Board will review the law and hopefully the Town Board can act on it before the end of the year. Attorney DiMatteo suggested that the Town stay wide instead of narrow in regards to the scope of the law.

New Business

Sheldon Fire Company Contract

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize Supervisor Knab to sign the 3 year contract with the Sheldon Volunteer Fire Company for fire protection services with contract amounts of \$102,000.00 (2013), \$104,040.00 (2014) and \$106,120.80 (2015).

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Williamson Law – Accounting Software

A motion was made by Lynne Metz and seconded by Brian Becker to authorize Supervisor Knab to sign the contract with Williamson Law for accounting software in the amount of \$847.00.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bids – Sealing of Hall Lot & Town Park

Bids were received from the following:

Company	Address	Amount	Description of Work
Wall's Blacktop Sealing	3199 Stannard Rd., PO Box 341, Alexander, NY 14005	\$3,600 Park \$1,300 Town Hall Lot	Edging, sweeping, blowing clean of debris. Cracks of

		\$4,900 Total Cost	1/4 " & greater shall be filled prior to sealing. Sealed w/ one coat Sealmaster Coal Tar Emulsion sealer (squeegee applied)
Mikelly Pierce Paving	3699 Mapleton Rd., Sanborn, NY 14132	\$2,357 Park \$1,168 Town Hall Lot \$3,525 Total Cost	Sealcoating
Kelley's Blacktop Sealing	PO Box 26, Delevan, NY 14042	\$1,700 Park \$325 Town Hall Lot \$2,025 Total Cost*	High Grade Sealer, No Water/Spraying Used
Michael P. Walker	4201 Main Street, North Java, NY 14113	\$2,206.49 Park \$746.90 Town Hall Lot \$2,953.39 Total Cost	Cleaning & Prepping of All Areas to be Sealed, One Coat Sealer

A motion was made by Brian Becker and seconded by Mike Armbrust to accept the bid from Kelly's Blacktop Sealing in the amount of \$2,025.00 for the sealing of the Town hall parking lot and the town park walking path and basketball court with the stipulation that full payment will be made after the September board meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

*There was discussion that perhaps Kelley's Blacktop misquoted the Town Hall parking lot quote since their bid was so much lower than the other bids. The Town Board asked Supervisor Knab to confirm with Kelley's Blacktop that the bid was indeed correct.

Town Disaster Plan

A motion was made by Mike Armbrust and seconded by Vince Kirsch to approve the Town of Sheldon Disaster Plan.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Town Movie Night

Supervisor Knab asked the Town Board their thoughts on scheduling another community movie night. The Town Board decided to wait until early next year to discuss scheduling another movie night.

A motion was made by Lynne Metz and seconded by Brian Becker to table the discussion of movie night until next year.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Justice Training

A motion was made by Vince Kirsch and seconded by Brian Becker to give permission to the Town Justices to attend training at Genesee Community College on October 11, 2012.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

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

General Bills #227 to #269 for a Total of \$14,316.99, the

Highway Bills #126 to #140 for a Total of \$45,158.54, the

Trust & Agency Bills #30 to #33 for a Total of \$1,772.80 the

Varysburg Water District Bills #56 to #65 for a Total of \$3,153.86 and the

Lighting District Bills for a Total of \$634.52 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

At 8:40 p.m. Supervisor Knab opened the floor to comments.

Highway Surplus Equipment

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Highway Superintendent to advertise the 2000 Mack ten-wheel snow plow and schedule the bid opening at 8:00 p.m. on September 18, 2012.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Enter Executive Session

At 8:45 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to enter into Executive Session for the purpose of discussing legal strategy in the pending assessment litigation. The Town Board invited Attorney David DiMatteo and Town Clerk Carol Zittel into the session.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Exit Executive Session

At 9:05 p.m. a motion was made by Brian Becker and seconded by Lynne Metz to end the Executive Session discussing the pending assessment litigation.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Adjournment

At 9:07 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the August 21, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

REGULAR MEETING
SHELDON TOWN BOARD
September 18, 2012

The Regular Meeting of the Sheldon Town Board held September 18, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David Roach

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Arcade Herald reporter Brianna Naughton. 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 Vince Kirsch that the minutes from the Regular Board Meeting on August 21, 2012 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications:

#38 Change in August abstracts

Voucher #269 was deleted from the August General bills. Change in August General Bills from \$14,316.99 to \$14,296.99.

#39 Dog Enumerator

Brett Friedhaber will be unable to conduct the dog enumeration this fall. The Town Clerk suggested that the County hire a County-wide enumerator stating that other Town Clerks in Wyoming County have a hard time hiring an enumerator.

#40 Zoning Complaint

The Town Clerk read a letter received from Robert and Bonnie DeCecco. Ms. DeCecco will attend the September Planning Board meeting to express her concerns.

#41 Fall 2012 Regional Government Workshop

A motion was made by Brian Becker and seconded by Lynne Metz to authorize Town officials to attend the Regional Local Government Workshop in Batavia on November 16, 2012. Cost is \$60 before November 6th and \$70 after November 6th.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Enter Executive Session

At 7:45 p.m. a motion was made by Brian Becker and seconded by Vince Kirsch to enter into Executive Session for the purpose of discussing legal strategy in pending assessment litigation. The Town Board invited Attorney David Roach into the session. The Town Clerk did not enter into the session.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Exit Executive Session

At 8:10 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to end the Executive Session and resume the regular meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Attorney Roach left the meeting immediately after the Executive Session.

Verizon Assessment Challenge

A motion was made by Vince Kirsch and seconded by Mike Armbrust to table the discussion of the Verizon assessment lawsuit until the October meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Highway Superintendent's Report – Hwy. Superintendent David Ricketson reported on the following:

Bloecher Rd.

Bloecher Rd. was shimmed and sealed. Cost for oil alone was \$19,000.

New Two-Way Radios

The approximate cost to replace 6 radios and reprogram 6 will be \$3,400.

2013 International

The truck is on schedule to be ready for the September 25th highway conference. Maplegrove has applied a zinc primer, epoxy and final coat. The cost is approximately \$1,200. The Town will split the cost with Viking Cives. Councilman Armbrust stated that the \$650 was well worth it.

Salt & Sand Building

Salt & sand building is full in preparation for winter.

Fall Projects

The Highway Dept. will be grading roads and cutting brush during the fall months.

Dutch Hollow & Stonybrook Bridge Project

Councilman Kirsch asked for an update on the Dutch Hollow Bridge project. Hwy. Supt. Ricketson stated that he was told it should be complete by the end of October.

Councilman Becker asked about the Stonybrook bridge on 20A in Varysburg. Supervisor Knab stated that it should not be too much longer before that project is completed.

Supervisor Report – Supervisor John Knab reported on the following:

Wyoming County Hospital Projects

Supervisor Knab updated the Board on various hospital projects.

- New emergency room
- New roofing
- Renovation of nursing home
- Renovation of 4th Floor Maternity Ward

Total cost of over \$30 million invested in the hospital. The hospital has entered into an agreement with Strong Memorial Hospital in Rochester.

County Tax Override Legislation

The County passed a resolution to override the 2% tax cap legislation if necessary.

Invenergy Payment

The Town will receive a check from Invenergy for \$794,902.75 in late October. Another check of \$37,000 will be sent in March 2013.

Varysburg Water District

There was a water leak on the Friday before Labor Day. The leak was fixed by Sunday. The District is still losing half of what they are selling.

Varysburg Water District Loan Application

Supervisor Knab met with the USDA regarding the loan application submitted by the Varysburg Water District. Supervisor Knab reported that the USDA does not foresee any problem with the application at this point. The new water system project will cost approximately \$1 million. The loan will be a 38 year loan at a low interest rate. The expected approximate cost per customer will be \$520-\$540 per year. Supervisor Knab stated that other Towns have higher yearly rates. Town of Bergen is \$1,100/year and Town of Stafford \$800/year.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Old Business

Peddling & Soliciting Law

The Town Board is waiting for the Town Planning Board to forward their recommendations on the proposed law.

New Business

Open Bids – Sale of 2000 Mack

The Town Clerk read the notice published in the August 30, 2012 legal ad section of the Arcade Herald.

Three sealed bids were received.

The Town of Allen, 4949 Klein Rd., Fillmore, NY 14735, \$26,500.00

JSSJR Enterprises, Inc., 800 Cheshire Road, Lanesboro, MA 01237, \$16,490.00

Tri-County Supply, Inc., 12069 Olean Road, Chaffee, NY 14030, \$16,750.00

A motion was made by Brian Becker and seconded by Vince Kirsch to accept the bid of \$26,500.0 from the Town of Allen, 4949 Klein Rd., Fillmore, NY 14735 for the purchase of the 2000 Mack.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Advertise Halloween Night

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the Town Clerk to advertise Halloween night in the Town of Sheldon as Wednesday, October 31, 2012 in the East Aurora and Attica Pennysavers.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Budget Workshop Meeting

A motion was made by Lynne Metz and seconded by Vince Kirsch to schedule the budget workshop meeting for Tuesday, September 25, 2012 at 7:00 p.m. at the Sheldon Town Hall.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Curbside Collection Program

A motion was made by Lynne Metz and seconded by Brian Becker to authorize Supervisor Knab to sign the municipal agreement for the Wyoming County curbside collection program with a program date of 1/1/2013 – 12/31/2014 and an annual cost of \$195.00 per year.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Sheldon Volunteer Fire Dept. Request

A motion was made by Lynne Metz and seconded by Mike Armbrust to permit the Sheldon Volunteer Fire Department to use the Town Hall parking lot for a crash simulation demonstration and training on Sunday, October 14, 2012 beginning at 8:00 a.m.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Addition to Town Hall

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize Supervisor Knab to proceed with exploratory research to determine the cost of an addition to the Town Hall to accommodate a new office for the Town Justices, allowing them to enter the Court Room directly from their office, a handicap accessible restroom and a new assessor's office which would eliminate the need for residents to walk up the flight of stairs.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Harris Corners Fire Contract

The Town of Bennington asked for more time to review the proposed Harris Corners Volunteer Fire Dept. contract.

Board of Assessment Review Appointment

A motion was made by Vince Kirsch and seconded by Brian Becker to reappoint Donald Corwin to the Board of Assessment Review with a 5-year term of 9/30/2012 to 9/30/2017.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Park Committee Appointment

A motion was made by Vince Kirsch and seconded by Brian Becker to reappoint Darlene Janes to the Park Committee with a 5-year term of 9/30/2012 to 9/30/2017.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Sealing Town Parking Lot & Town Park

Supervisor Knab contacted Kelley Blacktop which was awarded the bid to seal the lot and Town park at the August board meeting. Kelley Blacktop had misquoted the price on the Town hall lot project. The bid should have been \$400 more for the lot making the total cost for the lot paving \$725 not \$325.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to award the bid to Kelley Blacktop only if they will honor their original bid of \$325. In the case Kelley Blacktop would not honor the original bid then the bid would be awarded to Michael Walker.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

A motion was made by Mike Armbrust and seconded by Vince Kirsch that the

General Bills #269 to #290 for a Total of \$12,596.81, the

Highway Bills #141 to #161 for a Total of \$83,035.15, the

Trust & Agency Bills #34 to #37 for a Total of \$1,727.25 the

Varysburg Water District Bills #66 to #73 for a Total of \$2,406.76 and the

Lighting District Bills for a Total of \$662.13 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

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

Popular Point Zoning Complaint

Town Zoning Officer, Ken Martin, informed the Board that the Ernst property at Popular Point is now in compliance with Town Zoning Law.

Adjournment

At 9:07 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the September 18, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

REGULAR MEETING
SHELDON TOWN BOARD

October 16, 2012

The Regular Meeting of the Sheldon Town Board held October 16, 2012 at the Sheldon Town Hall, was called to order by Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David Roach

Also Present: Highway Superintendent David Ricketson, Zoning Officer Ken Martin, Arcade Herald reporter Brianna Naughton. 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 Vince Kirsch that the minutes from the Regular Board Meeting on September 18, 2012 and the Budget Workshop Meeting on September 25, 2012 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications:

#42 Dog Enumerator

The Town Clerk advised the Board of three people interested in the dog enumerator position. The Town Board will discuss later in the meeting.

#43 Corn Maze

The Town Clerk notified the Board that the Sheldon Youth Recreation Program will sponsor tickets to a corn maze in Arcade.

#44 Letter from Architect – Addition to Town Hall

The Town Clerk read a letter from Heather M. Nemec, Architect wherein she declines the opportunity to submit a proposal on the addition to the Town Hall building.

Wind Project Complaint Hotline

Mary Kehl, Invenergy representative, distributed an up to date complaint log. The last complaint was received in August of 2011.

Reports

Financial Reports were presented for the month of September 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report – Hwy. Superintendent David Ricketson reported on the following:

Fall Highway Projects

The Dept. is busy grading gravel roads for the winter and ditching, cutting brush.

New International Truck

The new International truck is in.

Salt Building

Salt building is full of sand & salt.

November Meeting

Hwy. Supt. Ricketson stated that he will not be attending the November meeting.

Supervisor Report – Supervisor John Knab reported on the following:

Wyoming County Bills

County bills for October 2012 were \$3,048,471.17.

County Taxes 2013

Wyoming County taxes for 2013 are proposed to increase from \$8.32 (2012) to \$8.64 per thousand.

Wind Project Payment

A wind project payment should be received by month end in the amount of \$794,902.57.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Executive Session

At 7:41 p.m. a motion was made by Brian Becker and seconded by Lynne Metz to enter into Executive Session for the purpose of discussing litigation in assessment and zoning matters.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Zoning Officer Ken Martin, Attorney David Roach and Town Clerk Carol Zittel were asked to enter the session.

At 8:20 p.m. a motion was made by Mike Armbrust and seconded by Vince Kirsch to end the Executive Session and resume the regular meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Old Business

Praller Assessment Challenge

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Attorney to settle the Praller assessment lawsuit at the agreed upon figures.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Verizon Assessment Challenge

A motion was made by Lynne Metz and seconded by Mike Armbrust to table discussion of the Verizon assessment challenge until more information is gathered.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Zoning Compliance - Wright

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize Zoning Officer Ken Martin to issue a certificate of compliance to Shawn Wright regarding zoning violations.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

New Business

Adopt Preliminary Budget

A motion was made by Vince Kirsch and seconded by Mike Armbrust to adopt the tentative budget as the preliminary budget.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Set Date – Public Hearing 2013 Budget

A motion was made by Brian Becker and seconded by Lynne Metz to set the date for the budget public hearing for Wednesday, November 7, 2012 at 7:30 p.m.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Alternate for Planning Board

A motion was made by Mike Armbrust and seconded by Lynne Metz to create the position of alternate planning board member and to appoint Debbie Kirsch to the position with a five year term. (October 16, 2012 – December 31, 2017)

Ayes: (4) Knab, Becker, Armbrust, Metz Nays: (0) Abstain: (1) Kirsch Motion Carried.

The Town Board noted that Ms. Kirsch would be paid \$25 per meeting and would only vote on matters when a vacancy occurs.

Town Hall Addition

Councilman Kirsch offered to compile a list of recommended architects for the town hall addition project.

Dog Enumerator

A motion was made by Lynne Metz and seconded by Vince Kirsch to appoint Carolyn Mruzek to the position of Town of Sheldon dog enumerator.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Harris Corners Contract

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Supervisor to sign the one-year \$27,695.04 contract with Harris Corners Volunteer Fire Department. This contract amount reflects a 2% increase from 2012.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Supervisor Training

A motion was made by Vince Kirsch and seconded by Mike Armbrust to give permission to Supervisor Knab to attend the Municipal Dollars & Sense training on November 2, 2012 at the Hearthstone Manor at a cost of \$50 plus mileage.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Changes to Zoning Law – Recreational Vehicles

The Town Board recommended that the Town Planning Board send the proposed changes of the Zoning Law pertaining to recreational vehicles to the County Planning Board for their review.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

A motion was made by Brian Becker and seconded by Mike Armbrust that the

General Bills #291 to #325 for a Total of \$11,217.93, the

Highway Bills #162 to #182 for a Total of \$98,698.63, the

Trust & Agency Bills #38 to #41 for a Total of \$1,746.71 the

Varysburg Water District Bills #74 to #78 for a Total of \$2,027.59 and the

Lighting District Bills for a Total of \$701.61 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

At 8:40 p.m. Supervisor Knab opened the floor to comments.

Zoning Violation

Councilman Becker thanked Mr. Wright for complying with the zoning regulations.

Adjournment

At 8:45 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the October 16, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Sheldon Town Board
2013 Budget Public Hearing
November 7, 2012 @ 7:30 p.m.

Present: Supervisor John Knab

Councilpersons: Vince Kirsch, Brian Becker, Lynne Metz, Mike Armbrust

Recording Secretary: Town Clerk Carol Zittel

Opening of Public Hearing

At 7:30 p.m. Supervisor John Knab opened the public hearing on the 2013 Town budget.

Notice of Publication

The Town Clerk read the legal notice published in the October 25, 2012 edition of the Arcade Herald.

As there were no other people in attendance at the meeting the Town Board discussed the following:

35 mph zone on Minkel Rd.

The Town Board discussed the lack of speed limit signage on Minkel Rd. Supervisor Knab agreed to talk to Java Town Supervisor Jim Fleischmann regarding the signage. The signage would need to be approved by the Wyoming County Traffic Board.

Close Public Hearing

At 8:00 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to close the public hearing.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Enter Executive Session

At 8:02 a motion was made by Lynne Metz and seconded by Vince Kirsch to enter into Executive Session to discuss personnel matters of appointed Town Boards.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Exit Executive Session & Adjourn

At 8:30 a motion was made by Lynne Metz and seconded by Mike Armbrust to end the executive session and adjourn the meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

November 20, 2012

The Regular Meeting of the Sheldon Town Board held November 20, 2012 at the Sheldon Town Hall, was called to order by Deputy Town Supervisor Lynne Metz at 7:30 PM.

Present: Supervisor John Knab arrived late (7:45 p.m. due to a County Budget Public Hearing)

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Not present: Attorney David DiMatteo, Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Arcade Herald reporter Brianna Naughton. A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Vince Kirsch and seconded by Brian Becker that the minutes from the Regular Board Meeting on October 16, 2012 and the Budget Public Hearing on November 7, 2012 be approved.

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

Communications:

Historical Society

#45 The Town Clerk read a letter received from the Sheldon Historical Society recapping their year's activities and thanking the Town Board for their support.

The Town Board asked the Town Clerk to request a report from the Town Historian, Barb Durfee.

Dog Enumeration

#46 The Town Clerk notified the board that the dog enumeration is complete. Carolyn Mruczek did a great job and asked the Town Clerk to extend her thanks to the Town Board for the opportunity.

Reports

Financial Reports were presented for the month of October 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report – Hwy. Superintendent David Ricketson was not present at the meeting but submitted a written Highway report.

Inventory

Submitted 2012 Highway Inventory to NYS DOT on 10/26/12

Submitted Inventory of Town owned equipment to County Hwy. Supt. on 11/26/12

Scrap

Scrap pipe and misc. items were taken to Staba and a check given to Supervisor

Winter Hours

Winter hours resumed on 10/26/12

Road Work

The Dept. worked on grading gravel roads, ditching and brush cutting

Equipment

No major breakdowns

Adopt Final 2013 Budget

A motion was made by Mike Armbrust and seconded by Brian Becker to adopt the preliminary budget as the 2013 Final Budget. The Town Board noted that there will be no town taxes in 2013.

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

Tax Bill Insert

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the Town Tax Collector to include a notice in the tax bills explaining the tax benefit derived from the wind project revenue.

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

Advertise – Secretary Position

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Clerk to advertise the position of secretary to the Town Planning Board, Zoning Board of Appeals and Board of Assessment Review in the legal ad section of the Arcade Herald and the Town website and newsletter.

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

Advertise for Bids – 1999 Pickup

A motion was made by Vince Kirsch and seconded by Mike Armbrust to advertise for bids for the 1999 pickup with a bid opening date of December 18, 2012.

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

Supervisor Knab arrives at 7:45p.m.

Supervisor Report – Supervisor John Knab reported on the following:

Wind Revenue Check

The Town received \$794,902.57 from Invenergy on October 30, 2012.

Ice/Snow Agreement Check

The Town received \$18,952 from Wyoming County for snow/ice removal.

Wyoming County Mortgage Tax

The Town received \$10,495.22 from County mortgage tax revenue.

Wyoming County Bills

Wyoming County bills for October 2012 were \$2,054,202.28.

County Tax Rate

Supervisor Knab reported that property owners in Wyoming County will see a .29 cent per thousand increase in their 2013 County taxes. For a property assessed at \$100,000 this increase would result in \$29 more a year. In order to keep the increase as low as possible, the Board of Supervisors had to cut the budget in many different areas. There were no salary increases and no new positions created. The Sheriff's Office posse received no funding. The County will not pay a 50% share to Towns for grant writing services. One Sheriff Deputy was laid off. The County Attorney's office was restructured to save money. The position of construction project coordinator was eliminated. The Tourism department budget was reduced \$40,000. The library funding was cut by \$24,018. The Cornell Cooperative Extension budget was reduced \$36,000. Nine unfunded state mandates account for 131% of the County tax levy. Sales tax revenue has to be used to cover the rest of the budget. This sales tax money was intended to be used for infrastructure. In order to address infrastructure issues the County will now have to take out loans. NYS retirement accounts for \$7.5 million of the County budget. In 2000 the cost was \$750,000. The Town of Sheldon NYS retirement cost will be almost \$56,000 in 2013 as compared to \$1,200 in 1970.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Surplus Equipment – Highway Radios and Copy Machine

A motion was made by Brian Becker and seconded by Vince Kirsch to declare the old highway radios and old copy machine as surplus equipment.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Williamson Law Program – Town Clerk

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Supervisor to sign the Town Clerk Software Support Contract with Williamson Law at a cost of \$300 annually.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Employee Assistance Program

The Town Board discussed the Employee Assistance Program provided to the Highway Department. This year the cost of the service increased from \$125 to \$400 annually.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to not renew the contract with Employee Assistance Group since most of the services they provide can be obtained through the Highwaymen’s health insurance coverage.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Road Signage

The Town Board discussed speed limit signs needed on various Town roads.

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize Highway Superintendent Ricketson to install the appropriate road signs on Factory Rd., Sanders Hill and the Sheldon side of Minkel Rd.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Additional Planning Board Member

Supervisor Knab informed the Board that Chairman of the Planning Board, Frank Moffatt, suggested adding Debbie Kirsch as a permanent member of the Planning Board thereby increasing the Board number to six people. Councilman Armbrust noted that the Board needs to be an odd number to prevent ties from occurring.

A motion was made by Lynne Metz and seconded by Vince Kirsch to table discussion of the additional planning board member appointment until next month.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Budget Transfer

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the budget transfer of \$70,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for the purpose of paying the November and December bills.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

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

General Bills #326 to #366 for a Total of \$33,982.38, the

Highway Bills #183 to #205 for a Total of \$47,840.90, the

Trust & Agency Bills #42 to #47 for a Total of \$2,938.09 the

Varysburg Water District Bills #79 to #89 for a Total of \$2,104.03 and the

Lighting District Bills for a Total of \$751.95 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

At 8:10 p.m. Supervisor Knab opened the floor to comments.

Architects – Town Hall Addition

Councilman Kirsch notified the Board that he has contacted 3 architects for the work on the addition to the town hall. He will keep the Board updated on proposals received.

Varysburg Water

Supervisor Knab informed the Board that there is another leak in the water system.

Adjournment

At 8:15 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the November 20, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

REGULAR MEETING

SHELDON TOWN BOARD

December 18, 2012

The Regular Meeting of the Sheldon Town Board held December 18, 2012 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

Councilpersons: Brian Becker, Lynne Metz, Mike Armbrust, Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo, Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Justice Fran Lefort. 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 Vince Kirsch that the minutes from the Regular Board Meeting on November 20, 2012 be approved.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Communications

#47 Change in Abstracts

The Town Clerk informed the Board of the following changes to the November abstracts:

Varysburg Water: Voucher #87 was voided because it was duplicated on the credit card.

The Varysburg Water District abstract from November 20, 2012 decreased from \$2,104.03 to \$1,929.03

Highway Fund: Voucher numbers 196 and 200 were moved to the General bills – the bills were improperly coded to the Highway account

The Highway Fund Abstract from November 20, 2012 decreased from \$47,840.90 to \$47,670.90

The **General Fund** Abstract from November 20, 2012 increased from \$33,982.38 to \$34,152.38 due to the transfer of the Highway vouchers coded incorrectly

#48 Mileage Reimbursement

A motion was made by Brian Becker and seconded by Lynne Metz to authorize mileage reimbursement for town business to .565 per mile as of January 1, 2013.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

#49 Records Book Restoration

The Town Clerk informed the Board that the birth/death book from 1882-1902 has been sent to Kofile Preservation. The cost of the preservation is \$1,236 and was budgeted in the Town Clerk 2012 budget.

#50 Association of Towns Annual Meeting

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize Town Official attendance at the Association of Towns Annual meeting in New York City on February 17-20, 2013.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

#51 Historian Report

The Town Clerk distributed a yearly report submitted by Town Historian, Barb Durfee.

Reports

Financial Reports were presented for the month of November 2012 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report – Hwy. Superintendent David Ricketson reported on the following:

Highway Projects

The Hwy. Dept. has been busy cutting brush, digging ditches and various busy work.

New Truck Tires

Councilman Kirsch questioned a Highway bill for 18 tires. Hwy. Supt. Ricketson responded that the tires were ordered for trucks #233 and #230. The Highway Dept. will have the tires on-hand when needed.

Eastman Tree Bill

Councilman Armbrust asked Hwy. Supt. Ricketson about the Eastman Tree Service bill. Supt. Ricketson responded that every year he has the tree service open up the canopies to allow sunlight to hit the roads thereby allowing the roads to dry up quicker.

Supervisor Report – Supervisor John Knab reported on the following:

Voters – Town of Sheldon

There are 1712 registered voters in the Town of Sheldon.

Revenue Sharing Check

The Town will be receiving a check from the County for \$1,863.05 as part of mortgage tax revenue sharing.

4-H Banquet

Supervisor Knab gave an address at the Wyoming County 4-H banquet. Wyoming County has the largest membership in the State at 918 members. Wyoming County budgets \$185,495.00 to the 4-H organization. New York State contributes approximately the same amount.

Board of Supervisors Organizational Meeting

The meeting will be held Wednesday, January 2, 2013 at the Government Center

Wyoming County Bills

County bills for November 2012 were \$3,757,383.29.

Bridge Construction

Funding for the bridge construction came from 80% Federal money, 15% State money and the rest was contributed by Wyoming County.

Countywide Assessment

The Town of Java will be holding an informational meeting with Richard Dean, Wyoming County Director of Real Property Services, who will be providing information regarding the proposal of a County assessor. The meeting will be held at the Java Town Hall on Monday, January 7, 2013 at 6:15 p.m. The Sheldon Town Board is asked to attend.

Wind Project Revenue

The Town of Sheldon has received \$4,551,205.14 in payments from Invenergy since the project began.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Old Business

Verizon Assessment Challenge

Attorney David DiMatteo updated the Board regarding the Verizon Assessment Lawsuit.

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize Attorney David DiMatteo to ask for an initial discovery in the Verizon lawsuit.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Praller Assessment Challenge

The Praller Assessment Lawsuit has been settled.

New Business

Annual Audit of Town Books

A motion was made by Lynne Metz and seconded by Vince Kirsch to set the date for the annual audit of the Town Clerk, Judges, Supervisor and Tax Collector books for Tuesday, January 22, 2013 at 7:00 p.m.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Tax Collector Software Agreement

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize the Town Supervisor to sign the 2013 Tax Collector software with Williamson Law Book Company for \$325.00.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Court Security

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Supervisor to sign the contract with the Wyoming County Sheriff's office for court security in 2013.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Secretary Position

A motion was made by Lynne Metz and seconded by Brian Becker to appoint Ann Daniel as the Secretary to the Town Planning Board, Board of Assessment Review and Zoning Board of Appeals at an hourly rate of \$12 per hour.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

End of Year Meeting

A motion was made by Brian Becker and seconded by Vince Kirsch to finish 2012 business tonight thereby eliminating the need for a special end of year meeting.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Opening Bids – 1999 Ford Truck

The Town Clerk read the legal notice published in the November 8, 2012 edition of the Arcade Herald advertising the 1999 Ford pickup for bids. The Town Clerk opened the 6 bids received:

<u>Name of Bidder</u>	<u>Address</u>	<u>Amount</u>
Bryon Dulsh	Alden, NY	\$1,785
Carl Dominessey	Sheldon, NY	\$1,800
Keith Kraft		\$2,000
Ken Murda	North Java, NY	\$1,901.50
Bradley Almeter	Sheldon, NY	\$2,800
Town of Perry	Perry, NY	\$3,007

Motion to Accept Truck Bid

A motion was made by Lynne Metz and seconded by Mike Armbrust to accept the bid from the Town of Perry in the amount of \$3,007.00 for the sale of the 1999 Ford truck.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Presentation from Mary McNall – Ambit Energy

Sheldon resident, Mary McNall, approached the Town Board to present information from the Ambit Energy company. Ms. McNall is a marketing representative from the company and informed the board that the Ambit Energy Company would guarantee a 7% in energy savings for at least 2 months. There is no fee to join and no cancellation fee. The Town Board thanked Ms. McNall and stated that they would like to take some time to do some research. The Board will discuss the issue at their January meeting.

Re-Appoint Bob Kolodziej to Planning Board

A motion was made by Mike Armbrust and seconded by Brian Becker to re-appoint Bob Kolodziej to the Town Planning Board for a 5-year term. (January 1, 2013-December 31, 2018)

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Budget Transfers

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

AGENDA DECEMBER 18, 2012

APPROPRIATIONS

GENERAL FUND

Transfer \$18.41 from A1640.4 Central Garage to A1010.4 Town Board Contractual

Transfer \$605.62 from A1220.2 Supervisor Equipment to A1220.4 Supervisor Contractual

Transfer \$24.51 from A1355.2 Assessors Equipment to A1355.4 Assessors Contractual

Transfer \$3754.29 from A1640.4 Central Garage to A1420.4 Law Contractual

Transfer \$136.00 from A1410.4 Town Clerk Contractual to A4020.4 Registrar of Vital Statistics

Transfer \$288.53 from A1640.4 Central Garage to A8810.4 Cemeteries Contractual

Transfer \$1842.53 from A1640.4 Central Garage to A9030.8 Social Security

Transfer \$375.00 from A1640.4 Central Garage to A9030.81 Medicare

HIGHWAY FUND

Transfer \$21,328.24 from DA2665 Sale of Equipment to DA5130.2 Machinery Equipment

Transfer \$37.60 from DA5142.1 Snow removal P/S to DA5140.1 Misc. brush & weed P/S

Transfer \$1274.58 from DA5142.1 Snow removal P/S to DA5110.1 General repairs P/S

Transfer \$9239.68 from DA5142.4 Snow Removal Contractual to DA5110.4 General Repairs Contractual

Transfer \$4007.40 from DA5130.4 Machinery Contractual to DA5130.2 Machinery Equipment

Transfer \$5671.66 from DA5142.4 Snow Removal Contractual to DA5130.2 Machinery Equipment

Transfer \$7901.06 from DA5148.4 Services for Other Gov. to DA5130.2 Machinery Equipment

Transfer \$2748.12 from DA9010.8 State Retirement to DA5130.2 Machinery Equipment

Transfer \$1000.00 from DA9050.8 Unemployment Ins. to DA5130.2 Machinery Equipment

VARYSBURG WATER DIST.

Transfer \$2199.90 from SW1-599 Fund Balance to SW1-8320.4 Source of Supply/Pumping Contractual

Transfer \$56.30 from SW1-1950.4 Taxes on Property to SW1-8330.4 Purification Contractual

Transfer \$196.96 from SW1-1950.4 Taxes on Property to SW1-8310.4 Water Admin. Contractual

Transfer \$363.31 from SW1-8340.4 to SW1-8310.4 Water Admin. Contractual

Transfer \$3300.00 from SW1-2140 Metered Sales to SW1-8320.4 Source of Supply Contractual

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Bills:

Supervisor Knab confirmed that the Board had a chance to review the bills.

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

General Bills #369 to #408 for a Total of \$8,758.39, the

Highway Bills #204 to #226 for a Total of \$32,595.78, the

Trust & Agency Bills #48 to #51 for a Total of \$1,264.27 the

Varysburg Water District Bills #89 to #99 for a Total of \$3,039.51 and the

Lighting District Bills for a Total of \$773.67 be paid.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

Comments from the Floor

At 8:50 p.m. Supervisor Knab opened the floor to comments.

Hole in Fence – Varysburg Park

Varysburg resident, Joanne Wert, informed the Board that a big whole has been cut into the fence behind her property providing access to the Town park. Supervisor Knab said he would check into the matter.

Extra Highway Dept. Computer Parts

Hwy. Supt. Ricketson stated that the Town of Bennington Hwy. Supt. needs a new computer monitor and keyboard. Sheldon Hwy. has an extra monitor and keyboard. The Sheldon Town Board approved for Hwy. Supt. Ricketson to give the extra equipment to the Bennington Hwy. Dept.

Adjournment

At 8:55 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the December 18, 2012 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz Nays: (0) Motion Carried.

