

Town of Sheldon, Annual Audit of Town Books  
January 22, 2013

On January 22, 2013 at 7:00 PM, the Town Board held a Special Meeting to audit the Town Justices, Town Clerk, Town Supervisor and Town Tax Collector financial books.

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

**2012 Book Audit**

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

The Town Board used the audit forms supplied by the NYS Comptroller's Office on their office's website.

**Adjournment**

At 9:00 p.m. the meeting ended.

**REGULAR MEETING**

**SHELDON TOWN BOARD**

**February 19, 2013**

The Regular Meeting of the Sheldon Town Board held February 19, 2013 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

Absent: Councilmen Mike Armbrust and Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Present: Attorney David DiMatteo

Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Zoning Board of Appeals Chairman George Knab. 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 January 15, 2013 and the audit minutes from January 22, 2013 be approved.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

## **Communications**

The Town Clerk reported on the following:

### **Fire Dept. Reports**

#4 Financial reports & lists of 2013 Officers were received from Varysburg Fire Dept., Strykersville Fire Dept., and Sheldon Fire Dept. The North Java Fire Dept. has not submitted a report and did not send one last year.

### **NYSTCA Conference**

#5 The NYS Town Clerk Assoc. annual conference will be held in Buffalo April 28-May 1. The Town Clerk will attend.

### **Liquor License Application – Six Star Post**

#6 Received a new application for an on-premises alcoholic beverage license from ABC Consulting on behalf of Six Star Post, Main St., Strykersville.

A motion was made by Brian Becker and seconded by Lynne Metz to accept the NYS liquor license application notification from Six Star Post, Strykersville, NY without objections.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

### **Sidewalk Request – Varysburg**

#7 Resident, Judi Laird, sent a copy of an article from the Batavia Daily regarding a grant awarded to the Town of LeRoy to replace sidewalks. Ms. Laird asked the Town Clerk to distribute to the Town Board in hopes that they would look into the possibility of doing the same for Varysburg. Supervisor Knab stated that he has spoken to Ms. Laird about the issue.

### **Tri-Town Seniors**

#8 A thank you was received from the Tri-Town Seniors for the Town funding.

### **Time Warner Pricing & Availability**

#9 Time Warner sent notification of price increases.

### **Time Warner – Strykersville**

A town resident contacted the Town Clerk regarding availability of Time Warner services in Strykersville. Supervisor Knab stated that he will respond to the resident. Attorney DiMatteo asked the Town Clerk to send him a copy of the franchise agreement for his review.

### **Town Clerk Checking Account**

#10 The Town Clerk was notified by Five Star Bank of attempted fraudulent activity to the Town Clerk checking account. The fraudulent check did not have the correct checking account number but looked similar to the Town Clerk checks. Five Star was unclear as to how/why the attempted activity occurred. The Town Clerk will open a new account.

### **Jam in the Valley Safety Concerns**

#11 A resident contacted the Town Clerk regarding campsites at Byrncliff Resort during the Jam in the Valley weekend. The concern is the safety of concert goers crossing Route 20A. The Town Clerk suggested the resident contact Wyoming County Emergency Services with any concerns. Supervisor Knab stated that the County issues permits associated with the event.

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

**2012 Peterbilt**

Small computer issue with 2012 Peterbilt that has been resolved.

**January Highway Bills**

\$34,000 out of the \$45,542.86 January highway bills went towards purchase of salt, sand and fuel.

**Billing Issue with Peterbilt**

Hwy. Supt. Ricketson will send Attorney DiMatteo information regarding a billing dispute with Peterbilt.

**Supervisor Report** – Supervisor John Knab reported on the following:

**County Treasurer Report**

Supervisor Knab distributed a report received from the County Treasurer listing Mortgage Tax and County Snow Removal monies sent to the Town of Sheldon in 2012.

**Wyoming County Bills**

The County bills for January 2013 were \$2,283,013.04.

**Wyoming County Sales Tax Revenue**

The County received more in sales tax revenue in 2012 than budgeted. The County budgeted \$14,500,000.00 and received \$17,000,000.

### **NY Safe Act**

Supervisor Knab distributed pistol permit opt out forms. He informed the Board that the Wyoming County Board of Supervisors passed a resolution in opposition to the NY Safe Act.

### **Wind Turbine Revenue**

Supervisor Knab stated that the Town has received \$4,554,705.00 in revenue from the wind project to date.

### **Town Certificate of Deposits**

Supervisor Knab updated the Board on interest rates at various banks for Town CD's.

### **Acceptance of Reports**

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

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

### **Old Business**

#### **Verizon Lawsuit**

Attorney DiMatteo has not heard back from Verizon. A court date is set for late February. He will report back on the court proceedings in March.

#### **Addition to Town Hall**

The Town Board tabled discussion regarding the town hall addition until next month.

## **New Business**

### **Open Public Hearing – Recreational Vehicles**

At 8:00 p.m. Supervisor Knab opened the public hearing regarding amending the Town of Sheldon Zoning Law, Specifically Section 5130 – Recreational Vehicles. The Public Hearing was advertised in the January 31, 2013 legal ad section of the Arcade Herald, on the Town website and bulletin board.

Supervisor Knab stated that the proposed amendment was brought about by resident complaints about the use of RV's for extended periods of time on neighboring properties. At tonight's meeting one resident stated that he does not see a need for a law unless a safety issue arises. Another resident questioned whether more than one permit could be issued for an individual parcel. He also asked whether the RV's had to be owned by the property owner. The Town Board was unclear as to the intent of the law as received from the Planning Board and decided to send the proposed amended Section 5130 back to the Planning Board for clarification on the issues brought up.

At 8:30 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to close the public hearing and send the proposed amendment of Section 5130 back to the Planning Board for clarification.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

### **Variance Request – Schofield Property**

Jason Breton of Breton Constuction addressed the Board regarding a cabin he has been hired to build on the Schofield property on Route 77. This property does not have the required 200 ft. frontage required per Town Zoning Law but does have a legal right to a right of way. Town of Sheldon Zoning Law also does not allow the building of such a cabin without the presence of a primary building on the property. The Schofield's have applied for a variance with the Town of Sheldon Zoning Board of Appeals.

### **Member of Pioneer FFA**

A member of the Pioneer FFA was scheduled to appear but due to inclement weather had to cancel.

## **Varysburg Water**

The Town Board of the Town of Sheldon met at a regular board meeting at the Sheldon Town Hall located at 1380 Centerline Road, Strykersville, New York on the 19<sup>th</sup> day of February 2013 commencing at 7:30 p.m. at the Town Hall in the Town of Sheldon, at which time and place the following members were:

**Present:** Supervisor John Knab

Councilperson Lynne Metz

Councilman Brian Becker

**Absent:** Councilman Mike Armbrust

Councilman Vince Kirsch

**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 Varysburg Water District serves approximately 120 users in the Town of Sheldon, including Sheldon Elementary and approximately six out-of-district users within the Town of Orangeville; and

**WHEREAS**, due to the age and deteriorating condition of many of the Varysburg Water District's facilities, including the age and condition of the existing reservoir and transmission line, the age and condition of existing original cast iron distribution lines; age, and condition of well supply and chlorination facilities; a water upgrade project has been proposed; and

**WHEREAS**, the Town Board has directed TVGA Consultants, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District, and

**WHEREAS**, the following improvements have been recommended:

1. New standpipe or elevated storage to replace existing failing concrete and wood reservoir, new tank to be located west of Varysburg Fire Hall.
2. New transmission and supply line to replace existing old supply line. Separate transmission is proposed to improve chlorine contact time and tank turnover.
3. Rehabilitation of pump house/control building. Upgrade controls and chlorination equipment, and rehabilitate building structure.

4. Distribution system improvements including replacement of undersized and aged water mains; and

**WHEREAS**, the projected cost of said upgrades is \$1,054,000.00 and will be financed through Rural Development. The debt service is proposed to be spread out by approximately 120 users which are referred to as Equivalent Dwelling Units; hereinafter referred to as EDU's. The Debt Service, which is a loan through Rural Development, is \$417.40 per EDU. There is an additional expense of \$200.76 per EDU for what is called Operation and Maintenance, which is the cost of water. The total estimated cost for water per EDU is \$618.16 per year; and

**WHEREAS**, pursuant to §202-b of the Town Law for the State of New York, the Town Board is required to have a Public Hearing to hear all residents interested in the subject matter thereof; and

**WHEREAS**, any cost or expense incurred pursuant to the authority granted by this said section 202-b shall be a charge against the district and assessed, levied and collected in the same manner; and

**WHEREAS**, the Town Board feels it is in the best interests of the Town of Sheldon to authorize a Public Hearing to be held on March 12, 2013 at 7:30 p.m.

**NOW ON MOTION OF** Brian Becker which has been duly seconded by Lynne Metz, now therefore

**BE IT RESOLVED**, that the Town Board of the Town of Sheldon hereby orders the Town Clerk to publish at least once to a Notice of Public Hearing in accordance with Town Law §202-b for consideration of improvements to the Varysburg Water District in the Arcade Herald, the official newspaper of the Town of Sheldon, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this order, certified by the Town Clerk, the first publication thereof and said posting to be not less than 10 nor more than 20 days before the date of such public hearing.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Authorization to Execute Contracts Associated w/ Varysburg Water Project**

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the Town Supervisor to execute contracts with the following for work associated with the Varysburg Water District project improvements: Municipal Solutions Inc., Leroy, NY; TVGA Engineering, Buffalo, NY; Timothy McGill, Rochester, NY; Laura Landis, Batavia, NY.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Highway Superintendent Advocacy Day & Highway School**



Highway Supt. Dave Ricketson and Deputy Highway Supt. Kevin Amedick will be attending advocacy day in Albany on March 5-6<sup>th</sup>. Hwy. Supt. Ricketson will attend highway school June 3-5 in Ithaca.

**Contract – Reisdorf Oil & Propane**

A motion was made by Brian Becker and seconded by Lynne Metz to extend the contract with Reisdorf Oil & Propane for an additional one year period for diesel and unleaded gas per the 2011 contract.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Contract – Suit Kote & Midland Asphalt**

A motion was made by Lynne Metz and seconded by Brian Becker to extend the contracts with Suit Kote and Midland Asphalt for an additional one year period for liquid bituminous materials.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Resolution – NY Safe Act**

A motion was made by Lynne Metz and seconded by Brian Becker to table the vote on the NY Safe Act until the full board was present.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**NYS Dept. of Transportation – Work on Right of Ways**

A motion was made by Lynne Metz and seconded by Brian Becker to authorize Supervisor Knab to sign the undertaking with the New York State Department of Transportation in connection with work affecting state highways.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Budget Transfer**

A motion was made by Lynne Metz and seconded by Brian Becker to approve the budget transfer of \$25,000 from the General Fund Money Market (A9901.9) to the Highway Money Market (DA5031) for February bills.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust 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 Brian Becker that the

General Bills #25 to #59 for a Total of \$9,440.98, the

Highway Bills #21 to #41 (excluding Highway V#26 from Becker's Bus Garage for \$221.00) for a Total of \$45,321.86, the

Trust & Agency Bills #6 to #9 for a Total of \$1,519.26 the

Varysburg Water District Bills #7 to #14 for a Total of \$603.59 and the

Lighting District Bills for a Total of \$802.26 be paid.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

**Bills – Voucher #26 Highway**

A motion was made by Supervisor Knab and seconded by Lynne Metz to approve the payment of Highway Voucher #26 in the amount of \$221.00 to Becker's Bus Garage.

Ayes: (2) Knab, Metz Nays: (0) Abstain: (1) Becker Absent: (2) Kirsch, Armbrust

Motion Carried.

**Comments from the Floor**

Supervisor Knab opened the floor to comments. The only question was in regard to previous talk of County-wide assessment services. Supervisor Knab stated that the issue has been tabled for the time being.

## **Adjournment**

At 8:55 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the February 19, 2013 meeting of the Sheldon Town Board.

Ayes: (3) Knab, Becker, Metz Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

## **REGULAR MEETING SHELDON TOWN BOARD**

**March 19, 2013**

The Regular Meeting of the Sheldon Town Board held March 19, 2013 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 and Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Present: Attorney David DiMatteo

Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Zoning Board of Appeals Chairman George Knab. 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 February 19, 2013 and the minutes from the public hearing regarding the Varysburg Water Improvements on March 12, 2013 be approved.

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

### **Communications**

The Town Clerk reported on the following:

#### **Local Government Conference**

#12      Southern Tier West Local Govt. Conference – May 8<sup>th</sup>, 7:30am-4pm at Houghton College

#### **Communication – Assemblyman DiPietro**

#13      Letter from Assemblyman David DiPietro to Supervisor Knab read

#### **Strykersville Seniors**

#14      Strykersville Senior's sent a letter detailing their 2012 events and thanking the Board for their financial support

### **Reports**

Financial Reports were presented for the month of February 2013 from the Town Supervisor, Town Clerk and the Town Justices.

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

#### **2006 Peterbilt**

Oil pan issue. It has been resolved.

#### **2012 Peterbilt**

Small electrical issue resolved.

### **Salt & Sand**

Getting low on salt & sand. Have used approx. 3700 ton this year.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **NY Farm Bureau**

On March 12<sup>th</sup> the Board of Supervisors met with the Farm Bureau. They discussed the issue of NYS unfunded mandates. Nine mandates account for 118% of Wyoming County budget. The Farm Bureau expressed their support of the County's resolution opposing the NY Safe Act.

### **County Water Board**

The County received a \$227,000 grant to create a County Water Board. The purpose of the Board would be to enable the bulk purchase of chemicals, the purchase of a leak detector and the ability to conduct laboratory testing at a County site. The various water districts within the County would have access to these services thereby creating a cost savings to Wyoming County water districts.

### **Wyoming County Bills**

Wyoming County bills for February 2013 were \$3,205,779.42.

### **Updating Ag District Maps**

Wyoming County Soil & Water received the contract to update the ag district maps. The County Planning Board was performing this function but Soil & Water is able to do it at half the cost.

### **Rifle Hunting in Wyoming County**

The Board of Supervisors passed a resolution approving rifle hunting in Wyoming County with the hope that the State will also pass the legislation.

### **Volunteer Firemen Tax Exemption**

Currently volunteer firemen receive a \$200 NYS tax deduction. There is a proposal to increase this exemption to \$1,200 in order to encourage more volunteers. A certified EMT has to complete over 200 hours of training.

### **Sheldon Fire Dept. Meeting**

The Sheldon Volunteer Fire Dept. will have their first meeting at their new hall on May 4<sup>th</sup> at 2pm.

### **Amendment to February Resolution – Water Contracts**

A motion was made by Brian Becker and seconded by Mike Armbrust to amend the February resolution pertaining to Varysburg Water contracts by adding David DiMatteo as the Attorney for the Varysburg Water District Improvements.

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

### **Varysburg Fire Dept. Contract – Tax Cap Override**

The Varysburg Fire Dept. multi-year contract was signed before NYS Tax Cap Legislation was enacted, however the NYS Comptroller's Office contacted Supervisor Knab stating that the legislation would still apply to the contract. Attorney DiMatteo recommended to the Board and the Fire department that the overage (\$2,445.40) be put into a special account by the Town and fire department in order to comply with the tax cap legislation.

### **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.

### **Minkel Rd. Speed Limit Concerns**

Debby Smith, resident of Minkel Rd. addressed the Board regarding her concern that the speed limit is too high (55mph) for Minkel Rd. Ms. Smith stated that she has talked to Supervisor Fleischmann from Java and that he has offered to request a speed radar from the Wyoming County Sheriff's Office. The Town Board discussed the issue and decided not to pursue lowering the speed limit. Supervisor Knab assured Ms. Smith that he will make sure the Sheriff Dept. supplies a speed meter on Minkel Rd.

### **Old Business**

#### **Verizon Lawsuit**

Attorney DiMatteo updated the Board regarding the Verizon Assessment litigation.

Attorney DiMatteo stated that an agreement would be guaranteed for three years.

A motion was made by Brian Becker and seconded by Mike Armbrust to accept the offer from Verizon and discount their assessment by 10%.

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

### **NY Safe Act**

A motion was made by Brian Becker and seconded by Vince Kirsch to oppose the process of enactment and certain provisions contained within the New York Safe Act.

**WHEREAS**, The right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

**WHEREAS**, The right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right of the people of the Town of Sheldon; and

**WHEREAS**, The lawful ownership of firearms is, and has been, a valued tradition in the Town of Sheldon, and the rights protected by the Second Amendment to the United States

Constitution are exercised by many of its residents; and

**WHEREAS**, The people of the Town of Sheldon derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

**WHEREAS**, Members of the Sheldon Town Board, being elected to represent the people of the sixteen towns of Wyoming County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, Members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, The enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

**WHEREAS**, It is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

**WHEREAS**, Having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

**WHEREAS**, Our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

**WHEREAS**, Seeking, and considering, such public input is a standard to which we hold ourselves in the Sheldon Town Board; and

**WHEREAS**, This legislation has 60 sections, of which only three take effect



immediately; and

**WHEREAS**, In our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all

legislation; and

**WHEREAS**, The mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left to interpretation, and are confusing even

to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

**WHEREAS**, Requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the law abiding residents of New York State; and

**WHEREAS**, This legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

**WHEREAS**, Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

**WHEREAS**, Few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

**WHEREAS**, Limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and

puts an undue burden on gun manufacturers to retool their manufacturing plants; and

**WHEREAS,** The only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

**WHEREAS,** Requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

**WHEREAS,** The New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity

of government to waste taxpayer resources when legislation is not properly reviewed; and

**WHEREAS,** Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

**WHEREAS,** This legislation severely impacts the possession and use of firearms now employed by the residents of the Town of Sheldon for defense of life, liberty, and property; and

**WHEREAS,** This legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting;

and

**WHEREAS,** While there are some areas of the legislation that the Sheldon Town Board finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections

for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

**WHEREAS,** This legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding

citizens; and

**WHEREAS**, This legislation effectively turns countless New York State law-abiding gun owners into criminals; and

**WHEREAS**, The manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Sheldon Town Board; now therefore

**BE IT RESOLVED**, That the Sheldon Town Board does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and be it

**FURTHER RESOLVED**, that the Sheldon Town Board considers such laws to be an egregious violation of 2nd Amendment Constitutional Rights, onerous, and burdensome to the citizens and the County in their implementation, and beyond lawful legislative authority granted to our Town representatives; and be it

**FURTHER RESOLVED**, that the Sheldon Town Board strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it

**FURTHER RESOLVED**, that the Sheldon Town Board requests the members of the New York State Senate and Assembly who represent all of Wyoming County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and be it

**FURTHER RESOLVED**, that a copy of this resolution be sent to President Barack

Obama, Vice President Joseph Biden, Governor Andrew Cuomo, United States Senators Charles

Schumer, and Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Patrick

Gallivan, Assembly Speaker Sheldon Silver, New York State Assemblyman David DiPietro.

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

### **New Business**

### **Town Historian Conference**

A motion was made by Brian Becker and seconded by Lynne Metz to give permission to the Town Historian, Barb Durfee, to attend the Association convention in Syracuse April 17-19 and a meeting in Batavia.

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

### **Intercommunity Medical Building Agreement**

A motion was made by Vince Kirsch and seconded by Lynne Metz to give permission to Supervisor Knab to sign a participation agreement for Intercommunity Medical Building Inc. of Attica, NY and to appoint Scott Almeter of Varysburg as the Town of Sheldon representative. (no cost to Town)

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

### **Payroll Software Agreement - Williamson**

A motion was made by Lynne Metz and seconded by Mike Armbrust to give permission to Supervisor Knab to sign the payroll software agreement with Williamson Law for an annual fee of \$665.50.

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

### **Arcade Herald Subscriptions**

A motion was made by Brian Becker and seconded by Vince Kirsch to renew the Town subscriptions to the Arcade Herald for 2 years at a cost of \$61 per subscription – 17 subscriptions total.

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

### **Special Use Permit – Schofield**

Attorney DiMatteo, Zoning Officer Ken Martin and Mr. Dan Schofield met privately in the Supervisor's office to discuss Mr. Schofield's variance and special use application. The Town Board tabled the issue and asked that the Town Planning Board review the applications.

Attorney DiMatteo informed the Town Clerk to cancel the Zoning Board of Appeals public hearing on March 27th.

### **Special Meeting – Town Hall Addition**

A motion was made by Lynne Metz and seconded by Mike Armbrust to schedule a meeting on Tuesday, March 26, 2013 at 7:00 p.m. at the Sheldon Town Hall to discuss plans for the Town hall addition.

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

### **Night at the Movies – Town Park**

The Town Board expressed interest in holding another movie night at the park. The board will discuss next month.

### **Fund Transfer**

A motion was made by Vince Kirsch and seconded by Brian Becker to transfer \$30,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for February 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 Mike Armbrust that the

General Bills #60 to #87 for a Total of \$16,259.68, the

Highway Bills #42 to #58 for a Total of \$37,527.05, the

Trust & Agency Bills #10 to #14 for a Total of \$2,841.45 the

Varysburg Water District Bills #15 to #24 for a Total of \$7,947.93 and the

Lighting District Bills for a Total of \$779.60 be paid.

### **Local Law – Regulating Hawking, Peddling and Soliciting within the Town of Sheldon**

A motion was made by Brian Becker and seconded by Mike Armbrust to set the date for a public hearing on a Local Law regulating hawking, peddling and soliciting within the Town of Sheldon for April 16, 2013 at 8:00 pm at the Sheldon Town Hall.

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

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Zoning Complaint – Popular Point**

Mr. Eric Ernst from Popular Point addressed the Board regarding previous complaints he has made regarding neighbors in Popular Point. Mr. Ernst was upset that he had been served a zoning violation for having a snow blower/plow on his property. Zoning Officer Ken Martin responded that the piece of machinery in question is illegal and cannot be stored at his property.

Mr. Ernst addressed the Board regarding other residents of Popular Point living there year-round which is not allowed in a seasonal district. Attorney DiMatteo asked Mr. Ernst to obtain a zoning violation notice from the Town Clerk and submit it to the Town Zoning Officer.

### **Varysburg Water Improvements**

Attorney DiMatteo asked the Board if they would be willing to schedule a meeting to discuss terms of billing the Praller Trailer park water customers and to discuss an outer district user agreement for the Town of Orangeville customers. Attorney DiMatteo suggested that TVGA and Jeff Smith also attend.

A motion was made by Lynne Metz and seconded by Mike Armbrust to schedule a meeting with the Town Board, Attorney DiMatteo, TVGA and Jeff Smith for Tuesday, March 26, 2013 at 6:00 p.m. at the Sheldon Town Hall.

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

## **Adjournment**

At 9:10 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to adjourn the March 19, 2013 meeting of the Sheldon Town Board.

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

## **REGULAR MEETING**

### **SHELDON TOWN BOARD**

**April 16, 2013**

The Regular Meeting of the Sheldon Town Board held April 16, 2013 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 and Vince Kirsch

Recording Secretary: Town Clerk Carol Zittel

Present: Attorney David DiMatteo

Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Zoning Board of Appeals Chairman George Knab, 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 March 19, 2013 be approved.

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

## **Communications**

The Town Clerk reported on the following:

### **DECALS**

#15 DEC sent notification that hunting license sales will be transitioning to a new provider. The DEC computer the Town Clerk currently uses will no longer be operable. The Town Clerk will have to hook up a town owned computer for license sales. An extra computer from the Court's office is available.

### **NYS Ag & Markets – Shelter & Officer Report**

#16 Copies of the NYS Dept. of Ag & Markets Dog Control Officer report and Municipal Shelter inspection report were sent to the Town Clerk. Both reports reflected a satisfactory rating.

### **NY Safe Act**

#17 Councilman Becker asked the Town Clerk to read the notice of a NY Safe Act informational meeting at the Strykersville Fire Hall on April 20<sup>th</sup> at the Strykersville Fire Hall.

### **Reports**

Financial Reports were presented for the month of March 2013 from the Town Supervisor, Town Clerk and the Town Justices.

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

### **Shoulder Machine/High Lift**

Hwy. Supt. Ricketson notified the Board that the County Highway Dept. has offered to purchase a high lift if the 16 County towns are willing to share the cost of purchasing a shoulder machine.



Supt. Ricketson stated that he feels it is a fair deal and would appreciate the Town Board's approval. The Town Board asked who would maintain the machine. Supt. Ricketson responded that the County will maintain it.

A motion was made by Brian Becker and seconded by Lynne Metz to authorize Highway Superintendent David Ricketson to enter into a buy in agreement with the Wyoming County Highway Dept. and other Wyoming County Town Highway Depts. to purchase a shoulder machine at a maximum buy in amount of \$10,000.00.

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

### **Roadside Mowing Tractor**

Supt. Ricketson addressed the Board about declaring the roadside mowing tractor as surplus equipment. The tractor has not been practical for the Depts. needs. Councilman Kirsch asked Hwy. Supt. Ricketson to find out the value of a new one. Supt. Ricketson said he will do so and report back to the Board next month.

### **Gas Pipeline Training**

The highway dept. would like to attend a gas pipeline safety training on May 8<sup>th</sup> in Mount Morris. The training is at 5:30p.m. and will require 3 hours of overtime per highway employee attending.

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the attendance of

the Sheldon Highway Dept. at the gas pipeline safety training in Mount Morris on May 8<sup>th</sup> at 5:30 p.m.

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

### **Salt/Sand Ratio**

Hwy. Supt. Ricketson asked for the Board's input regarding switching to a more salt mixture for winter plowing. The Town Board had a short discussion on the issue and it was decided that the Town should not switch to a more salt mixture.

### **Town Lawn Mower**

Supt. Ricketson would like to replace the Town lawn mower that is 26 years old. Attorney DiMatteo suggested contacting the Town of Darien, he believes they get a new mower every year. Supervisor Knab said he will contact the Town Park committee to see if they are purchasing a new mower. If so, they may be interested in giving us their old one.

### **CHIPS Funding**

Supt. Ricketson informed the Board that CHIPS funding has been increased by \$23,000 for the Town. This is the first increase in 5-6 years.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Town Swim Program**

Supervisor Knab has received requests to allow children who do not reside in the Town of Sheldon to be able to participate in the Sheldon swim program. The Town Board discussed the matter and agreed that it should only be open to Town residents.

### **Wyoming County Bills**

Wyoming County bills for March 2013 were \$3,316,404.08.

### **Guests from Alabama Visit Sheldon Wind Farm**

Supervisor Knab informed the Board that 8 people from the State of Alabama visited Sheldon to learn more about the wind project. The group stayed at Byrncliff and included a news reporter, talk show host and County legislators. Supervisor Knab stated that another group from Pennsylvania will be visiting on Thursday.

### **Acceptance of Reports**

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

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

### **Old Business**

#### **Verizon Lawsuit**

Attorney DiMatteo advised that Verizon signed the consent order. The lawsuit has been resolved and closed.

### **New Business**

#### **Open Public Hearing – Local Law – Peddling & Soliciting**

At 8:00 p.m. Supervisor Knab opened the public hearing regarding Local Law 1 of 2013 entitled “Regulating hawking, peddling and soliciting within the Town of Sheldon.” The Town Clerk read the public notice published in the legal ad section of the March 28, 2013 Arcade Herald.

#### **Highway Funds Agreement**

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve and sign the agreement to spend Town highway funds. The agreement states that the sum of \$532,502.00 may be expended for general repairs upon 43.40 miles of Town highways, including sluices, culverts and bridges having a span less than five feet and boardwalks or the renewals thereof.

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

#### **Repair Hole in Chain Link Fence – Town Park**

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize the repair of the chain link fence at the Vincent Almeter Memorial Park in Varysburg.

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

### **Funds Transfer**

A motion was made by Lynne Metz and seconded by Mike Armbrust to approve the following fund transfer: \$70,000.00 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for April bills and payrolls. (\$10,000.00 of this was from March)

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

### **Close Public Hearing**

There were no public comments regarding the Local Law 1-2013.

At 8:30 p.m. a motion was made by Mike Armbrust and seconded by Vince Kirsch to close the public hearing on Local Law 1 of 2013 entitled "Regulating hawking, peddling and soliciting within the Town of Sheldon."

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

### **Passage of Local Law 1-2013**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to pass Local Law 1-2013 entitled: "Regulating hawking, peddling and soliciting within the Town of Sheldon."

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 #88 to #124 for a Total of \$8,443.85, the

Highway Bills #59 to #84 for a Total of \$27,111.78, the  
Trust & Agency Bills #15 to #18 for a Total of \$2,135.62 the  
Varysburg Water District Bills #25 to #31 for a Total of \$1,773.32 and the  
Lighting District Bills for a Total of \$782.89 be paid.

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

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Ditching Problem – Mejak residence**

Ms. Mejak from Route 78, Strykersville addressed the Board regarding a problem with the ditch in front of her house. After a discussion between the Hwy. Supt., Town Attorney and Town Board it was decided that the Town highway dept. should look into the issue and report back to the Town Board next month.

### **Enter Executive Session**

At 8:35 p.m. a motion was made by Lynne Metz and seconded by Brian Becker to enter into executive session to discuss litigation regarding the Varysburg Water project.

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

### **End Executive Session**

At 9:00 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to exit from executive session.

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

### **Adjournment**

At 9:00 p.m. a motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the April 16, 2013 meeting of the Sheldon Town Board.

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

**REGULAR MEETING**  
**SHELDON TOWN BOARD**

**May 21, 2013**

The Regular Meeting of the Sheldon Town Board held May 21, 2013 at the Sheldon Elementary school, was called to order by Town Supervisor John Knab at 1:00 PM.

Present:            Supervisor John Knab

                         Councilpersons: Brian Becker, Lynne Metz

                         Absent: Councilmen Mike Armbrust and Vince Kirsch

                         Recording Secretary: Town Clerk Carol Zittel

                         Also Present: Hwy. Supt. David Ricketson

                         Not Present: Attorney David DiMatteo

Also Present: Zoning Officer Ken Martin, Deputy Town Clerk Gertrude Hyman, Arcade Herald reporter Brianna Naughton and the 4<sup>th</sup> grade classes of Sheldon Elementary. A signed list of all present is on file in the Town Clerk's Office.

**Change in Minutes**

The Town Clerk noted that a change has been made to the minutes. Councilman Armbrust contacted the Town Clerk to note that the wording regarding the mowing tractor should be changed to say: rear 3 pt. hitch mower. The change has been made in the official minute book.

## **Minutes**

A motion was made by Lynne Metz and seconded by Brian Becker that the minutes from the Regular Board Meeting on April 16, 2013 be approved with changes noted above.

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

## **Communications**

The Town Clerk reported on the following:

### **Zoning Complaint**

#18    The Town Clerk read a letter from a resident regarding a zoning violation on Thomas Rd. in regards to the Town Recreational Vehicle Law. Town Zoning Officer Ken Martin was also sent a copy of the letter.

## **Town Historian**

#19    The Town Clerk informed the board that Town Historian, Barb Durfee has achieved the status of registered Town Historian.

## **Reports**

Financial Reports were presented for the month of April 2013 from the Town Supervisor, Town Clerk and the Town Justices.

### **Supervisor Knab opened the floor to the 4<sup>th</sup> grade students for questions:**

Who gives you ideas for changes to the Town?

Hwy. Supt. Ricketson responded that the residents of the Town of Sheldon give us ideas and suggestions.

How old do you have to be to get elected?

Supervisor Knab responded: At least 18 and a resident of the Town and registered to vote.

How do you become a member of the Town Board?

Supervisor Knab and Councilperson Metz responded: You have to run for office and the people vote for you.

Who makes the final decision?

Supervisor Knab: The Town Board takes a vote on all matters.

### **Sidewalks - Varysburg**

Varysburg resident, Judi Laird, addressed the Town Board. Ms. Laird would like to see sidewalks in Varysburg and asked the Town Board to pursue a grant for such a project. Supervisor Knab responded that the Town would not be able to install sidewalks. He stated that the Town could not spend taxpayer funds to pay for something that would only affect a small portion of the Town.

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

### **Humphrey Road Paving**

1 ¼ mile of Humphrey will be paved from Centerline Rd. north.

### **Mejac Property**

Supt. Ricketson updated the Board regarding the ditch issue in front of Ms. Mejac's house. Supt. Ricketson was advised by Ms. Mejac that her son would lay the block to cover the hole if the Town would be willing to purchase the block. Hwy. Supt. Ricketson agreed to purchase the block and asked Ms. Mejac to contact him on what type of block they would like the Town to purchase. The Board was agreeable to this arrangement.



### **3-Pt. Hitch Mower – Surplus Equipment**

Per the Town Board's request Supt. Ricketson researched the value of the 3 pt hitch mower he would like to declare surplus equipment. He was told that a brand new one similar in style would sell for approx. \$7,250. Resale the 3-pt hitch would be worth approx. \$5,000-\$5,200.

A motion was made by Lynne Metz and seconded by Brian Becker to declare the 3-pt hitch mower as surplus equipment and advertise for bids.

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

Hwy. Supt. Ricketson will compile specifications and give them to the Town Clerk to advertise.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Town Insurance Policy**

Supervisor Knab met with Mike Hardie, our representative from Tompkins Insurance. Mr. Hardie advised that the Town needs to have the Tax Collector and Town Clerk bank accounts reconciled by someone other than themselves. The Town bookkeeper will now reconcile the Tax Collector account and Town Clerk account after the end of every month.

### **Wind Project – Line of Credit**

Paperwork was received by Supervisor Knab stating that the line of credit put in place in 2009 is still in effect for the decommissioning of the wind project. Supervisor Knab spoke with Attorney DiMatteo and both feel that the current amount of credit is satisfactory. The Town has the opportunity to ask for additional funds after 5 years have passed.

### **Equalization Rate**

The Town of Sheldon equalization rate is 89% for 2013.

### **Town Assessor**

Due to health issues the Town Assessor has not been in the office.

### **NYS Assembly – Early Voting Bill**

Supervisor Knab informed the Board regarding a proposed bill in the NYS Assembly. The bill would allow early voting the third Tuesday prior to the general election and the third Thursday prior to the primary. The cost would be the responsibility of the County. Election inspectors and polling sites would be needed. The County Board of Supervisors is opposing the bill. Supervisor Knab stated that he will get a copy of the resolution for the Town Board.

### **Wyoming County Debt**

Supervisor Knab noted that there are only three Towns in Wyoming County that are debt free. Sheldon is one of the three. Wyoming County has \$31 million of debt; most of it is hospital debt. Wyoming County's credit rating has gone up though.

### **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)    Absent: Kirsch, Armbrust Motion Carried.

### **Old Business**

#### **Justice Court Grant – Addition to Town Hall**

The Town Board discussed submitting the plans for the Town hall addition to the Justice Court grant fund. The Town Board had no objections to the Town Justices submitting a grant request for an addition to the Town hall to build a larger court room and Town Justice offices.

### **New Business**

#### **Barb Farrant – Resignation from Planning Board**

The Town Clerk received a resignation letter from Barb Farrant. Ms. Farrant served on the Town planning board for over 20 years. The Town Board asked the Town Clerk to send a letter of recognition to Ms. Farrant thanking her for her years of service.

#### **Appointment – Deborah Kirsch Planning Board**

A motion was made by Lynne Metz and seconded by Brian Becker to appoint Deborah Kirsch as a member of the Town planning board to fulfill the term of Barb Farrant (Term 5/21/13-12/31/15).

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

#### **Appointment – Alternate Planning Board Member**

A motion was made by Lynne Metz and seconded by Brian Becker to appoint Mary Kehl as an alternate member to the Town planning board. (Term 5/21/13-12/31/17)

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

#### **Town Movie Night**

The Town Board asked the Town Clerk to obtain more information on holding a movie night at the Town Park. The Town Clerk should inquire about licensing fees for a movie showing.

#### **Waiver of State Aid – Youth Bureau**

A motion was made by Lynne Metz and seconded by Brian Becker to waive NY State Aid and authorize the Wyoming County Youth Bureau as the recipient of the \$253.00 in aid.

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

#### **Fund Transfer**

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

\$50,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for May bills and

\$5,520.28 from DA5148.1 Services for Other Governments to DA5142.1 Snow Removal P/S

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

### **Wood Chips for Town Park**

Hwy. Supt. Ricketson stated that he delivered a load of wood chips to the Town Park thereby eliminating the need to purchase 30 yards from a vendor for \$595.00. He also delivered a small load of sand.

### **Town Hall Copier Agreement**

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the Town Supervisor to sign the 1-year copier maintenance agreement with Complete Office Solutions, 636 W. Main Street, Arcade, NY 14009 at a cost of \$371.00.

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

### **Authorize Submission of Loan Application for Varysburg Water District Improvements USDA Rural Development Loan**

**WHEREAS**, the Town of Sheldon, herein called the "Town", after thorough considerations of the various aspect of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and,

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

**WHEREAS**, a portion of the financing for said improvements to the water district will require Rural Development loan funding; now, therefore, be it

**RESOLVED**, that John Knab, as Supervisor for the Town of Sheldon, is the representative to act in behalf of the Town in all matters related to USDA Rural Development Loan arrangements and

is hereby authorized and directed to complete the application, execute documents, and otherwise act for the Town's governing body in all matters related to the Project.

Motion made by Brian Becker seconded by Lynne Metz

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

### **Recreational Vehicle Law**

The Town Board was notified that the Town Planning Board decided to stay with the current version of Town Zoning Law pertaining to recreational vehicles. Councilman Becker stated that he doesn't feel it is fair that the Town has an inadequate law in effect. Supervisor Knab stated that he likes the Town of Warsaw's version of the recreational vehicle law. The Town Board decided that they should review the sample laws and draft a version to their liking.

### **Recreational Vehicle Permit Fee**

A motion was made by Brian Becker and seconded by Lynne Metz to set the recreational vehicle permit fee at \$25 and add a penalty for non-compliance of \$350 minimum daily.

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

### **Set Date for Public Hearing – Local Law – Grievance Day**

**WHEREAS**, the Town Board of the Town of Sheldon met at a regular meeting at the Town Offices of the Town of Sheldon, New York on the 21<sup>st</sup> day of May, commencing at 7:30 p.m. at which time and place the following members were:

**Present:**        Supervisor John Knab  
                         Councilman Brian Becker  
                         Councilwoman Lynne Metz

**Absent:** Councilman Mike Armbrust, Councilman Vince Kirsch

**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 attention of the Town Board of the Town of Sheldon has been directed to an error in Local Law No. 2 of 1995; and

**WHEREAS**, said law was adopted to change grievance day for the Town of Sheldon from the fourth Tuesday in May to the fourth Wednesday in May each and every year thereafter until changed by local law; and

**WHEREAS**, as the law is currently worded, sometimes a fourth Wednesday of a month actually comes before the statutory fourth Tuesday which is in contravention of New York State Real Property Tax Law; and

**WHEREAS**, the purpose of this local law is to change this wording of Section II of Local Law No. 2 of 1995 to bring it into compliance with § 512 (1-a) of Real Property Tax Law; and

**WHEREAS**, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to hold a public hearing to consider the adoption of said law.

**NOW ON MOTION OF Lynne Metz**, which has been duly seconded by Brian Becker, therefore, be it

**RESOLVED**, that the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 18th day of June 2013 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

**Set Date – Special Meeting – RFP’s Varysburg Water District**

A motion was made by Lynne Metz and seconded by Brian Becker to schedule a public hearing at 7:30 p.m. on June 4, 2013 at the Sheldon Town Hall to review RFP’s received for the Varysburg Water Project Engineering Design Services.

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

**Water District – Out of District Users**

Supervisor Knab updated the Board regarding fees for out of Town water users. There are six residences in the Varysburg Water District that are in the Town of Orangeville. It was decided by the Water District Board that these customers will pay the same rates as Town of Sheldon residents. If these residents water bills are not paid by November 1<sup>st</sup> their water fees will be added to their tax bills.

**Bills:**

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

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

General Bills #125 to #155 for a Total of \$13,475.11, the

Highway Bills #85 to #100 for a Total of \$23,991.19, the

Trust & Agency Bills #19 to #24 for a Total of \$3,140.78 the

Varysburg Water District Bills #32 to #43 for a Total of \$4,310.56 and the

Lighting District Bills for a Total of \$708.23 be paid.

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

**Comments from the Floor**

Supervisor Knab opened the floor to comments.

**County Purchased Shoulder Machine**

Councilman Becker asked for an update on the County purchase of a shoulder machine. Hwy. Supt. Ricketson responded that some towns are not interested so they are still working on a decision.

**Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the May 21, 2013 meeting of the Sheldon Town Board.

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

**REGULAR MEETING**

## **SHELDON TOWN BOARD**

**June 18, 2013**

The Regular Meeting of the Sheldon Town Board held June 18, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

Hwy. Supt. David Ricketson

Attorney David DiMatteo

Also Present: Zoning Officer Ken Martin, Deputy Town Clerk Gertrude Hyman, Arcade Herald reporter Brianna Naughton, Acting Director of Wyoming County Real Property Services, Jim Kirsch. 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 Vince Kirsch that the minutes from the Regular Board Meeting on May 21, 2013 and the minutes from the Special Meeting on June 4, 2013 be approved.

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

### **Communications**

The Town Clerk reported on the following:

#### **Change in April Supervisor's Report**

#20    The Town Clerk notified the Board of a mistake on the Supervisor's Report from April. The Water District checking account balance should have been \$5,633.92 not \$4,712.19.



**Zoning Complaint – C. Snyder**

#21 The letter to Charline Snyder has been resent certified mail. Attorney DiMatteo has not been contacted by Ms. Snyder.

**Uniform Notice of Claim Act Changes**

#22 **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**, Governor Andrew M. Cuomo has signed the Uniform Notice of Claim Act which changes the way potential plaintiff can serve a Notice of Claim prior to commencing a personal injury or property damage lawsuit against a municipality; and

**WHEREAS**, the new Act sets forth a uniform procedure for claims against public entities in New York which includes the filing of a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim; and

**WHEREAS**, if a potential plaintiff files a notice of claim with the Secretary of State, he or she must pay a fee of up to \$250.00 which will be split between the Town and the State. If the Town fails to submit this Certificate, it will forfeit its right to receive a portion of this service fee.

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

**RESOLVED**, by the Town Board of the Town of Sheldon finds it in the best interest of the Town to submit a Certificate with the Secretary of State designating the Secretary as an agent who may be served with a notice of claim, a copy of which is attached hereto.

**CERTIFICATE**

DESIGNATION OF THE

NEW YORK STATE SECRETARY OF STATE

AS AN AGENT

FOR

## NOTICE OF CLAIM

The Town Board of the Town of Sheldon hereby designates the New York State Secretary of State as an agent for service of a Notice of Claim, pursuant to New York General Municipal Law Section Fifty-Three, Subsection Two (§53(2)).

In any case founded upon tort where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town, or any officer, appointee or employee thereof, the Notice of Claim shall comply with and be served in accordance with the provisions of General Municipal Law Section fifty-e (§50-e) within ninety (90) days after the claim arises; except that in wrongful death actions, the ninety (90) days shall run from the appointment of a representative of the decedent's estate.

All Notices of Claim received by the Secretary of State, as agent for service upon the Town of Sheldon, shall be transmitted to the Town Clerk of the Town of Sheldon as officer, person, designee, nominee, or other agent-in-fact for the Town, located at:

Town of Sheldon Town Clerk

1380 Centerline Road

Strykersville, New York 14145

585-535-7644

585-535-0216

[sheldontownclerk@rochester.rr.com](mailto:sheldontownclerk@rochester.rr.com)

By order of the Town Board of the Town of Sheldon.

### **Culvert Replacement – Route 20A**

#23 NYSDOT will be replacing a culvert on Route 20A in the Village of Warsaw. The project is anticipated to start May – June 2014 and be completed November 2014.

### **#24 RV Permit Application**

The Town Clerk distributed a copy of the RV permit application she created. The Planning Board reviewed the application and approved it. The Town Board also approved of the application.

### **#25 Fireworks Permit**

The Town Clerk notified the Board that firework permit applications had been submitted for the Jam in the Valley event and a private residence on Bartz Rd. The Town Clerk confirmed with the Board and the Town Attorney that the Zoning Officer should be copied on the permit applications. The Town Clerk will also notify the local fire department of the display on Bartz Rd.

### **#26 Movie Night**

At the last Board meeting the Board had asked the Town Clerk to get information regarding copyright laws and showing a movie publicly. The Town Clerk contacted Swank Motion Pictures and they stated that the cost to rent and show a movie depends on the movie. For example, to show the movie 42, the Jackie Robinson movie the cost would be \$325. The Town Board asked the Town Clerk to contact Brian Krawczyk, Commissioner of the Sheldon Youth Baseball League to see if he has the equipment to show the movie thereby eliminating the need to pay for a screen rental. The Town Board will discuss at their next meeting.

### **Reports**

Financial Reports were presented for the month of May 2013 from the Town Supervisor, Town Clerk and the Town Justices.

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

### **CHIPs Funding**

CHIPs funding paperwork has been submitted. Check should be cut August 8<sup>th</sup>. Highway Supt. Ricketson asked the Board if he could use the extra CHIPs money that was not in his budget.

The Board authorized the Hwy. Supt. to spend the increase in funding expressing their confidence that the payment will come in August.

### **Humphrey Rd. Paving**

1 ¼ mile of Humphrey Rd. was paved. Cost was approx. \$201,000.00. Last year to pave 1 ½ miles the cost was \$138,000.00. Increase in cost is significant. Shoulders should be installed on Humphrey Rd. on Thursday using the County's old shoulder machine.

### **Cooperating with Other Town Highway Depts.**

The Sheldon Hwy. Dept. has coordinated with other Towns to work on projects.

### **Mejac Property**

The Town Highway dept. purchased 30 concrete blocks and 6 bags of mortar and delivered to the Mejac Property on Route 78. The cost of the materials was \$93.60. Ms. Mejac's son will take care of installing the block. Ms. Mejac is happy with the Town response.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Wyoming County Bills**

May 2013: \$2,218,130.43

### **Dutch Hollow Rd. Paving**

The County plans on paving Dutch Hollow Rd. later this summer.

### **Tree Removal Next to Historical Society**

Mr. & Mrs. Comstock of Route 78, Strykersville asked the Town Board to address the issues of the dead trees on the Historical Society property bordering their property line. The Town Board was advised of this issue before the meeting and had a chance to inspect the trees.

### **Authorization to Obtain Quotes**

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Town Highway Supt. to obtain 3 quotes for tree removal of the dead trees alongside the Historical Society and Comstock property.

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

The Town Board decided to take the fence down between the properties and make a decision later on whether to re-install it.

### **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.

### **Old Business**

#### **Addition to Town Hall**

Supervisor Knab stated that he would like to discuss the issue next month after he gets a chance to speak with Justice Lefort regarding the Justice grant.

### **New Business**

#### **Open Public Hearing – Local Law Changing Grievance Day**

The Town Clerk read the legal notice posted in the Arcade Herald May 30<sup>th</sup> edition. Supervisor Knab opened the public hearing at 8:00 p.m.

#### **Assessor Appointment – Joint Meeting with Java**

A motion was made Mike Armbrust and seconded by Vince Kirsch to set a date for a joint meeting with the Town of Java for June 26, 2013 at 7:00 p.m. at the Java Town Hall to discuss the position of assessor.

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

### **Recreational Vehicle Law**

A motion was made by Lynne Metz and seconded by Brian Becker to stay with the current Zoning regulations regarding recreational vehicles until late fall when the Town Board will re-address the issue at a work session.

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

### **Close Public Hearing**

Supervisor Knab asked if there were any comments regarding the proposed Local Law changing grievance day. There were none.

At 8:30 p.m. a motion was made by Lynne Metz and seconded by Vince Kirsch to close the public hearing on proposed Local Law changing the date of grievance day.

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

### **Passage of Local Law 2 of 2013**

#### **TOWN OF SHELDON**

#### **A PROPOSED LOCAL LAW ENTITLED,**

#### **“AMENDING LOCAL LAW NO. 2 OF 1995 – CHANGE OF GRIEVANCE DAY”**

Be it enacted by the Town Board of the Town of Sheldon as follows:

#### **SECTION I.    STATUTORY AUTHORITY, TITLE**

This local law is adopted pursuant to the authority granted by Real Property Tax Law of the State of New York, specifically § 512 (1-a), which allows a governing body of an assessing unit to

adopt a local law establishing a date for the meetings of the Board of Assessment Review other than the fourth Tuesday of May when the governing body of an assessing unit employs an Assessor who is at the same time employed by another assessing unit.

## **SECTION II. SHORT TITLE**

This Local Law shall be known as “Amending Local Law No. 2 of 1995 – Change of Grievance Day”.

## **SECTION III. PURPOSE**

The attention of the Town Board of the Town of Sheldon has been directed to an error in Local Law No. 2 of 1995. Said law was adopted to change grievance day for the Town of Sheldon from the fourth Tuesday in May to the fourth Wednesday in May each and every year thereafter until changed by local law. However, as the law is currently worded, sometimes a fourth Wednesday of a month actually comes before the statutory fourth Tuesday which is in contravention of New York State Real Property Tax Law.

## **SECTION IV. ENACTMENT**

The Town Board of the Town of Sheldon hereby amends Section II of Local Law No. 2 of 1995 to read as follows:

Grievance Day for the Town of Sheldon shall be changed from the fourth Tuesday in May to the first Thursday after the fourth Tuesday in May each and every year hereafter until changed by local law.

## **SECTION V. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed, including but not limited to, Section II of Local Law No. 2 of 1995.

## **SECTION VI. SEVERABILITY/VALIDITY**

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

## **SECTION VII. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

**Motion made by Lynne Metz and seconded by Mike Armbrust**

**Ayes: Knab, Kirsch, Becker, Armbrust, Metz**

**No: 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 #156 to #193 for a Total of \$13,279.80, the

Highway Bills #101 to #126 for a Total of \$203,028.20, the

Trust & Agency Bills #25 to #28 for a Total of \$1,186.77 the

Varysburg Water District Bills #44 to #51 for a Total of \$4,045.87 and the

Lighting District Bills for a Total of \$669.28 be paid.

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

**Comments from the Floor**

Supervisor Knab opened the floor to comments.

**Signs – Peddling in Town of Sheldon**

The Town Board authorized Highway Supt. Ricketson to purchase Peddling Permit Required in the Town of Sheldon signs. The signs will read: Solicitors/Peddling Permit Required.

**Enter Executive Session**

A motion was made by Lynne Metz and seconded by Brian Becker to enter into executive session for the purpose of discussing personnel issues regarding the Assessor's office. Acting Director of Wyoming County Real Property Services, Jim Kirsch, Attorney DiMatteo and Town Clerk Zittel were invited into the Executive Session.



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

### **Close Executive Session**

A motion was made by Lynne Metz and seconded by Mike Armbrust to close the Executive Session and re-enter the public meeting.

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

### **Appointment of Acting Assessor**

**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 appointed Assessor for the Town of Sheldon is Valerie Piridy; and

**WHEREAS**, in accordance with New York State Real Property Tax Law, § 314, the Town Board has the authority, by resolution, to appoint an acting Assessor when the appointed Assessor is unable to perform the duties of the office or if the office becomes vacant; and

**WHEREAS**, recently the appointed Assessor for the Town of Sheldon has been unable to perform the required duties of the office; and

**WHEREAS**, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to appoint an acting Assessor to perform said duties.

**NOW ON MOTION OF Lynne Metz**, which has been duly seconded by Vince Kirsch, therefore, be it

**RESOLVED**, that the Town Board of the Town of Sheldon hereby appoint Sue Kibler as Acting Assessor for the Town of Sheldon; and be it further

**RESOLVED**, that the Town Board of the Town of Sheldon shall notify the Commissioner within fifteen (15) days of the date of this resolution of such appointment; and be it further

**RESOLVED**, that Sue Kibler, as acting Assessor for the Town of Sheldon shall function as the Assessor until such time as the Assessor is able to resume the position or until a replacement is appointed but in no event shall function as the Assessor for more than three (3) months.

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

**Authorization to Sign RD442-7 – Varysburg Water Project Loan App**

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize Supervisor Knab to sign form RD442-7 for the USDA loan application. The form outlines the expenses of the Varysburg Water District.

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

**Authorization Contract with Chatfield Engineers**

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize Supervisor Knab to sign the contract with Chatfield Engineers, 2800 Dewey Ave., Rochester, NY 14616 for engineer services for the Varysburg Water Project.

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

**TVGA**

Supervisor Knab stated that he has contacted TVGA and that they will send a letter stating that the Town of Sheldon is paid in full for services rendered in regards to the Varysburg Water Project USDA loan application.

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

**Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the June 18, 2013 meeting of the Sheldon Town Board.

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

**REGULAR MEETING**

**SHELDON TOWN BOARD**

**July 16, 2013**

Present: Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

Hwy. Supt. David Ricketson

Attorney David Roach

At 6:45 p.m. Supervisor Knab lead the Pledge of Allegiance. Supervisor Knab asked for a moment of silence for Barb Farrant who recently passed away. Ms. Farrant served on the Town Planning Board for over 20 years.

### **Snyder Property Conditions - Varysburg**

The Sheldon Town Board met at 6:45 p.m. with Charney Snyder, Varysburg to discuss the building conditions of her property at the corner of Route 98 and Route 20A. The Town Board has received numerous complaints about the condition and safety of the property. Ms. Snyder runs a consignment shop at the property. Don Roberts, Codes Enforcement Officer for Wyoming County was also present at tonight's meeting.

Ms. Snyder expressed to the Town Board that she is aware the building needs work. She is trying her best to run the business by herself. Finances do not allow her to put any money into fixing the building. Mr. Roberts stated that the property is due for a fire and safety inspection. After a 45 minute discussion with Ms. Snyder the Town Board asked Don Roberts to conduct his inspection and submit it to the Town Board by their August 20, 2013 meeting. In the meantime they asked Ms. Snyder to remove the cement blocks on the sidewalk and tie back the outside curtains in the front of the store by August 20<sup>th</sup>. Ms. Snyder supplied her cell phone number to Mr. Roberts and the Town Board.

The Regular Meeting of the Sheldon Town Board held July 16, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 PM.

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 Mike Armbrust and seconded by Brian Becker that the minutes from the Regular Board Meeting on June 18, 2013 and the minutes from the Special Meeting on June 26, 2013 be approved.

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

## **Communications**

The Town Clerk reported on the following:

### **Uniform Notice of Claim Act Changes**

Attorney DiMatteo's office advised that another resolution needs to be passed in regards to the Notice of Claim Act. The resolution was read by the Town Clerk.

**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**, General Municipal Law, § 53 requires Towns to file a certificate with the Secretary of State designating the Secretary of State as agent for service of a notice of claim; and

**WHEREAS**, General Municipal Law, § 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer or person for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

**WHEREAS**, pursuant to General Municipal Law, § 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

**NOW ON MOTION OF** Vince Kirsch which has been duly seconded by Brian Becker, now, therefore, be it

**RESOLVED**, that the Town Board of the Town of Sheldon, County of Wyoming, designates the Carol Zittel, in her capacity as Town Clerk to receive notices of claims served upon the Secretary

of State by mail at 1380 Centerline Road, Strykersville, New York 14145 and email at [sheldontownclerk@rochester.rr.com](mailto:sheldontownclerk@rochester.rr.com) .

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

**Town Hall Addition – Resolution Determination of a Type II Action**

**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 Board of the Town of Sheldon is considering a proposed project for the construction of a 1,560 square foot (26 x 60) addition to the Town Office facility of the Town of Sheldon located at 1380 Centerline Road; and

**WHEREAS**, 6NYCRR Part 617 – State Environmental Quality Review Act (hereinafter “SEQR”) requires that government conducts its affairs with an awareness of environmental resources and incorporate the consideration of environmental factors into its planning, review and decision making process at the *earliest* possible time; and

**WHEREAS**, to accomplish this, the Town must determine whether the action it directly undertakes, funds or approves has a significant impact on the environment and cannot undertake said action until it has complied with the provisions of SEQR; and

**WHEREAS**, the Town Board’s review of 6NYCRR §618.5, specifically subsection 7, finds that the *construction or expansion of a primary or accessory non-residential structure of facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls* is a Type II action and does not require any further review or determination.

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

**RESOLVED**, that the Town Board of the Town of Sheldon hereby determines that the proposed project for the construction of a 1,560 square foot (26 x 60) addition to the Town Office facility constitutes a Type II action as defined under said regulation and does not require any further review or determination of environmental significance.

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

### **Movie Night**

The Town Board decided to cancel plans to have a community movie night due to the \$325 cost of purchasing a copyright license plus the additional costs of set-up.

A motion was made by Lynne Metz and seconded by Mike Armbrust to postpone movie night this year and authorize Lydia Kehl, recreation director, to use the budgeted funds for the recreation program.

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

### **Reports**

Financial Reports were presented for the month of June 2013 from the Town Supervisor, Town Clerk and the Town Justices.

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

### **Peddling/Soliciting Signs**

The peddling/soliciting signs have arrived. The Highway Dept. will install them.

### **Quotes on Removal of Trees – Historical Society**

Supt. Ricketson contacted three companies for quotes on the removal of trees at the Historical Society Schoolhouse.

DR Tree Service, East Aurora, NY 716-655-3520, left message on June 19<sup>th</sup>. No response received.

Haskell Tree Service, 184 Ellicott Rd., PO Box 299, West Falls, NY 14170, \$3,220.00 to cut down 5 trees, clean up branches, leave wood in 8' lengths, no rake up, cannot cut stumps lower than 4-5' tall

Eastman Tree Specialist, 3203 Smallwood Rd., Warsaw, NY 14569, Remove 5 trees, chip brush, grind stumps, \$2,645.00, to haul wood an additional \$350.00

A motion was made by Lynne Metz and seconded by Mike Armbrust to award the contract to remove the trees at the Sheldon Historical Society to Eastman Tree Service, 3203 Smallwood Rd., Warsaw, NY 14569 at the received quote of \$2,645.00. There will be no need for Eastman to haul wood away.

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

### **Oil & Stoning Roads**

Supt. Ricketson stated that he will be able to oil & stone approx. 6 miles of roads this year. The dept. used to be able to oil & stone approx. 10 miles a year but due to escalating costs they will only be able to do 6 miles this year.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **County Bills**

Wyoming County bills for the month of June were \$3,860,715.65

### **Town Swim Program**

The Town could not find a swim water safety instructor. Per the Town insurance company, parents needed to sign waivers stating their acknowledgement that there is no certified swim instructor for the 2013 program.

### **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.

### **Old Business**

#### **Addition to Town Hall**

Councilman Kirsch submitted CAD files to the Justice Court fund grant program. Councilman Kirsch will notify the Board if he receives a response from the Justice Fund.

### **New Business**

#### **Town Assessor Position**

Sue Kibler, Acting Town of Sheldon Assessor was present at the meeting and presented her resume to the Town Board. She expressed her interest in the permanent position of assessor. She is currently assessor for four towns. Councilman Armbrust asked Ms. Kibler if she has done a revaluation. Ms. Kibler responded that she has done several; one in 2003, 2005, 2008 and 2011. She stated that after a reval she usually has approximately 6% of residents come in to question their revaluation. NYS says to expect approx. 10% after a reval. Councilman Armbrust asked how many parcels would she be able to handle. Ms. Kibler stated that 5,000 parcels would be a good, manageable number.

#### **Advertise for Position of Sole Assessor**

A motion was made by Lynne Metz and seconded by Brian Becker to advertise for the position of Town Assessor in the Arcade Herald and the East Aurora, Warsaw and Attica Pennysavers.

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

The ad should state that NYS Certification is required and applications must be submitted by August 13<sup>th</sup>. The Town Board will meet at 6:30 p.m. before their regular meeting at the Sheldon Historical Society on August 20<sup>th</sup> to review the applications. Before the Town Clerk can



advertise the position Supervisor Knab will check with Supervisor Fleischmann to see if the Town of Java wants to run a joint ad.

### **Fall Highway Superintendent Conference**

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Highway Superintendent to attend the fall Highway Superintendent conference on September 17-20, 2013.

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

### **Lifeguard Salaries 2013**

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the salaries for Town lifeguards as follows: 1st year of employment: \$8.50 per hour, 2nd year of employment: \$9.00 per hour, 3<sup>rd</sup> year \$9.50 per hour.

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

### **August Board Meeting at Sheldon Historical Society**

A motion was made by Vince Kirsch and seconded by Lynne Metz to schedule a 6:30 p.m. meeting before the regular board meeting on August 20, 2013 at the Sheldon Historical Society to review applications for the position of Town Assessor.

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

### **Snow & Ice Agreement**

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the Town Supervisor to sign the snow and ice control contract with Wyoming County Highway Dept. for the 2014-2015 season.

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 #194 to #232 for a Total of \$37,843.32, the

Highway Bills #127 to #142 for a Total of \$27,726.39, the

Trust & Agency Bills #29 to #33 for a Total of \$1,887.80 the

Varysburg Water District Bills #52 to #62 for a Total of \$2,582.91 and the

Lighting District Bills for a Total of \$672.19 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.

### **Varysburg Water District Grant**

Supervisor Knab notified the Board that the grant application has been submitted. It will be at the top of the list in the next round of grant funding.

### **TVGA**

Supervisor Knab received a letter from TVGA Consultants stating that the Town of Sheldon has paid in full for all services provided.

### **Invenergy Addition to Building on N. Sheldon Rd.**

Invenergy will be adding an addition to their building on North Sheldon Rd. The addition is needed to house more equipment, staff due to the Orangeville project.

## **Adjournment**

A motion was made by Lynne Metz and seconded by Vince Kirsch to adjourn the July 16, 2013 meeting of the Sheldon Town Board.

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

## **REGULAR MEETING**

### **SHELDON TOWN BOARD**

**August 20, 2013**

## **Assessor Position**

The Sheldon Town Board met at 6:30 p.m. at the Sheldon Historical Society to review applications received for the position of sole assessor. The applications were reviewed and the Town Board decided to interview 3 of the applicants. Supervisor Knab will contact Supervisor Jim Fleischmann to coordinate a meeting date to hold joint interviews with the Java Town Board.

The Regular Meeting of the Sheldon Town Board held August 20, 2013 at the Sheldon Historical Society, was called to order by Town Supervisor John Knab at 7:30 p.m.

Present:        Supervisor John Knab

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

                  Recording Secretary: Town Clerk Carol Zittel

                  Attorney David DiMatteo

                  Absent: Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Deputy Town Clerk Gertrude Hyman. 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 16, 2013 be approved.

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

## **Communications**

The Town Clerk reported on the following:

### **#27    Liquor License Renewal**

A motion was made by Mike Armbrust and seconded by Brian Becker to accept without objection the renewal 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.

### **#28    Dog Enumeration**

The Town Clerk notified the Board that the dog enumeration on the Varysburg side of Town has been completed. 288 dogs were counted.

### **#29    Hunting License Sales**

Hunting license sales have begun and are going well.

## **Reports**

Financial Reports were presented for the month of July 2013 from the Town Supervisor, Town Clerk and the Town Justices.

### **Highway Superintendent's Report**

Hwy. Supt. David Ricketson was not in attendance.

### **Valley View Paving Concerns**

Johanna Hodge, Valley View Rd. resident was in attendance at the Board meeting to express dissatisfaction with the recent paving of Valley View Road. She expressed concern that the big pot holes were not filled; her driveway keeps getting lower due to the road being built up; and the odd way that the blacktop did not end symmetrically with half the road being paved further than the other half of the road. Supervisor Knab offered to meet with Mr. and Mrs. Hodge the next day with Hwy. Supt. Ricketson to address her concerns.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Oil & Stoning Roads/Hall Parking Lot**

The Town Highway Dept. will have oiled and stoned approx. 7.7 miles of roads this year. The cost is approx. \$14,000 per mile. The Town Hall parking lot needs to be oiled and stoned this year. The lot is approx. 7700 sq. ft.

### **Wyoming County Bills**

July 2013: \$2,230,477.69

### **Board of Supervisors - 2% Tax Cap**

The Wyoming County Board of Supervisor's held a public hearing on the 2% tax cap legislation. Supervisor Knab stated that it would be almost impossible not to go over the 2% cap when you look at all the mandates that take up most of the budget.

### **Water Leak – Varysburg Water**

There was a water leak on School St. on August 6<sup>th</sup>. Resident Sue Rogacki notified the Board that a large hole still remains that needs to be taken care of.

### **Town Budget**

Supervisor Knab advised the Board that the 2014 Town Budget preparation has begun and the Board will have to schedule a workshop meeting at their next Board meeting.

### **Equalization Rate**

NYS sent notification that the Town equalization rate is 89%.

### **Factory Rd. Bridge Closed**

The bridge on Factory Rd. will be closed for one month beginning on August 21<sup>st</sup>.

### **Acceptance of Reports**

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

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

### **Old Business**

#### **Addition to Town Hall**

Councilman Kirsch advised that he has not received an update regarding the Justice Fund grant application.

#### **Trees at Historical Society**

The Town Board was asked to reconsider their resolution to remove the old trees at the Historical Society site. The Town Board expressed their opinion that the trees were dead and had to be removed.

### **New Business**

### **Town Assessor Position**

The Town Board discussed the various options for filling the assessor position. A concern of the Board is the difficulty in terminating an assessor appointed to a 6-year term. NYS requires the appointment to be made for a 6 year term. In order to dismiss a person from the position a costly and likely lengthy legal process must be started. A benefit of entering a contract with the County to provide assessment services would be the ability to terminate the contract if the services provided were not satisfactory.

### **Resolution Authorizing the Negotiation of an Agreement with Wyoming County for a Coordinated Assessment Program Subject to Permissive Referendum**

**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**, in accordance with New York State Real Property Tax Law, §579 (2) (a), two or more assessing units, except Villages, within the same County may establish a coordinated assessment program by entering into an agreement with the County; and

**WHEREAS**, pursuant to New York State Real Property Tax Law, §1537, the Town Board of the Town Sheldon is authorized, upon the adoption of a resolution, subject to permissive referendum, to negotiate an agreement with the County for assessment services; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Sheldon to authorize the negotiation of an agreement with the County for assessment services.

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

**BE IT RESOLVED**, that the Town Board of the Town of Sheldon hereby determines that it is in the best interest of the Town of Sheldon to authorize the negotiation of an agreement with the County for assessment services; and be it further

**RESOLVED**, that the Clerk be and she hereby is directed to publish an abstract of this resolution concisely stating the purpose and effect thereof in the Town=s official newspaper within ten (10) days after the date of the adoption; and be it further

**RESOLVED**, that said resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Sheldon.

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

**Bookkeeper Training**

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize town bookkeeper, Katie Chmura, to attend Williamson Law Accounting/Budget Preparation software training in Salamanca, NY on August 27, 2013.

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

**Williamson Law Contract – Accounting Software**

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the Town Supervisor to sign the one-year contract with Williamson Law for accounting software in the amount of \$847.00.

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

**Budget Transfer**

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the budget transfer of \$60,000 from General Fund Money Market(A9901.9) to Highway Money Market (DA5031) for payment of August 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 Mike Armbrust that the

General Bills #233 to #267 for a Total of \$10,021.40, the

Highway Bills #143 to #156 for a Total of \$18,177.08, the



Trust & Agency Bills #34 to #37 for a Total of \$1,730.11 the  
Varysburg Water District Bills #63 to #69 for a Total of \$3,363.12 and the  
Lighting District Bills for a Total of \$686.28 be paid.

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

Councilman Becker abstained as there was a bill from his bus company included.

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Varysburg Park Playground – Community Service Project**

Varysburg resident, Jeremy Kocsis, is in the process of attaining his Eagle Scout badge with the Boy Scouts of America. He is interested in working on the Varysburg playground as his community service project. He would like to build the playground up 8 inches with 2 inches of stone and 6 inches of mulch. The cost of the mulch would be \$932 from Attica Packaging.

A motion was made by Lynne Metz and seconded by Brian Becker to authorize Jeremy Kocsis to complete his service project on the Varysburg park playground.

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

### **Sheldon Elementary**

Varysburg resident, Sue Rogacki, addressed the Board regarding the recommendations in the Attica School District's facilities review study. The review study recommended 3 phases to occur in the Attica School District. Phase one would demolish the current building housing the Board office, moving the office into the Middle School. The second phase would close Sheldon Elementary and the third phase would close Prospect School. Ms. Rogacki also notified the Board and those in attendance of the District's forming of a "building utilization study committee." The District is looking for community representatives to sit on this committee. Applications can be found on the district website.

### **Jam in the Valley Safety Concerns**

Sheldon residents, Mark and Roxanne Keem addressed the Board with their concerns regarding the annual Jam in the Valley event at Buffalo Hill Village. This July 6<sup>th</sup>, Ms. Keem's mother had an emergency health issue at her residence on Route 77. An ambulance was not able to be dispatched from its position at the Jam in the Valley event. Ms. Keem's mother was taken by Mercy Flight to the hospital where she later passed away. The Keem's were very upset that in an emergency situation, when two ambulances were just minutes away, they had to have a loved one wait for Mercy Flight. The bill for Mercy Flight was over \$10,000.00. Resident, Mary Kehl, agreed with the safety concerns mentioned, also adding that the nearby roads are garbage strewn after the event. Supervisor Knab invited Mr. & Mrs. Keem to attend the next Wyoming County Public Safety Committee meeting.

### **Opinion on County Assessment Services**

Councilman Armbrust asked those in attendance for a vote on going to a County-wide assessment service. Overwhelmingly, those in attendance were not in support of changing from a local sole assessor position to a County service.

### **Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the August 20, 2013 meeting of the Sheldon Town Board.

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

## **REGULAR MEETING**

## **SHELDON TOWN BOARD**

**September 17, 2013**

Present:        Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Absent: Hwy. Supt. David Ricketson

The Regular Meeting of the Sheldon Town Board held September 17, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 PM.

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 August 20, 2013 be approved.

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

### **Communications**

The Town Clerk reported on the following:

#### **#30    Town Assessor**

A thank you note from Sue Kibler was read. Ms. Kibler thanked the board for the opportunity to serve as acting assessor.

#### **#31    Fall 2013 Land Use Decision Making Training Program**

Monday, October 7, 2013 and Monday, October 28, 2013 at Monroe Community College in Brighton.

**#32 Wyoming County Office for the Aging**

Budget Public Hearing/Picnic, Thursday, October 3, 2013 at Warsaw Village Park at 10:30am.

**#33 Varysburg Water Loan - USDA Letter** – notice was sent that the Varysburg Water Project has been approved for a loan of \$1,054,000 to construct a storage tank, lines and upgrades to the pump station.

**#34 Thomas Rd. Zoning Complaints**

A letter was received from a Thomas Rd. resident regarding the conditions at another property on Thomas Rd. The Town Board was contacted last year by this same resident regarding this same issue.

**Motion to Enforce Zoning Law Re: Violation**

A motion was made by Lynne Metz and seconded by Brian Becker to authorize the Town Zoning Officer to proceed with enforcement of the Zoning Law regarding the use of a recreational vehicle on a property without a primary residence and any other violations that may be present at the Thomas Road property.

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

**#35 Glaus/Kibler Variance**

The Town Board was updated on the status of the request for a variance on the Glaus property on Humphrey Rd. The issue will be brought before the Planning Board next week and then a public hearing for the variance will be scheduled.

**#36 Local Law – Override the Tax Levy**

The Town Clerk distributed copies of a proposed law overriding the tax levy established in general municipal law sect. 3-c.

## **#37 Board of Assessment Review Meeting**

The Town Clerk notified the Board that included in tonight's bills are vouchers from the Board of Assessment Review for a special meeting that had to be called regarding a NYSEG assessment.

### **Reports**

Financial Reports were presented for the month of August 2013 from the Town Supervisor, Town Clerk and the Town Justices.

**Highway Superintendent's Report** – Hwy. Superintendent David Ricketson was at a Highway Superintendent Conference and could not be at tonight's meeting.

Below is his written report:

### **Oil & Stoning of Town Roads**

Highway department has been working on preparing and sealing oil and stone, Minkel, South Bartz, Armbrust, Valley View, Goose Hill, Centerline from 77 to Humphrey, Maxon north of 20A, and Royce Roads. This is approx. 9.9 miles of road.

### **Purchase of Stone**

I have talked with Mr. Bruce Byers of County Line Stone/Custom Topsoil. He has agreed to sell me shoulder material from his Java materials pit on Route 98 Java, for a really great price of \$3.00 per ton and hold the bill until next year. We have stockpiled this material at the Town of Java's transfer station to use next year. We stockpiled 2,000 ton @ \$3.00 per ton (\$6,000). This is a savings of around \$5.00 per ton, about \$10,000.

### **Equipment**

It's been a tough month on equipment. The front differential on truck #230 (2006 Pete) broke down and needed to be replaced (see RS Maher invoice). Also, the steering on our 1990 Champion Grader #238 has an issue. We have been working on a fix with Weber Hydraulics. It seems we need a new pump or to rebuild the old one but, the original pump is in 4 stages and they are approx. \$2,000 per stage, so we are trying to test each individual stage as to not rebuild more than necessary.

### **Strykersville Schoolhouse Trees**

I checked with Tim Eastman of Eastman Tree Service and he plans to take care of the School House trees in Strykersville on Monday, September 23<sup>rd</sup>.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Broadband Services Grant**

On August 28<sup>th</sup> Senator Kirsten Gillibrand was in Attica discussing a Senate bill she has sponsored that would provide grant money for rural communities to install broadband services.

### **Varysburg Water Leaks**

The Varysburg water leak discussed at the last board meeting has been fixed and the hold has been filled on School St.

A week ago there was a leak on Hans Boxler's property. The leak was a ¼ mile from the shut off. Rural Water found it and Dennis Zehler fixed it. It was leaking approx. 120,000 to 130,000 gallons of water a day.

### **County Sales Tax**

The County has collected 2% more in sales tax than they did last year at this time.

### **County Bills**

Wyoming County bills for the month of August were \$3,738,596.65.

### **2014 Town Budget**

Supervisor Knab and Bookkeeper Katie Chmura have been working on the 2014 budget. There was a discussion on whether salary raises should be 2% or 3%. The highway men (excluding highway superintendent) receive 3% per their contract.

### **Acceptance of Reports**

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

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

### **Old Business**

#### **Addition to Town Hall**

Councilman Kirsch has not heard back from the Justice Fund regarding the grant paperwork. Attorney DiMatteo suggested contacting Judge Markey.

#### **Town Assessor Appointment**

The Town Board discussed their options on appointing a Town assessor. Councilman Kirsch stated that he projects it would cost the Town approximately \$8,228 more per year to go with a County assessment program. Councilman Kirsch asked Attorney DiMatteo how much he thinks the legal cost would be if the Town found themselves in a position where they wanted to terminate an assessor. Attorney DiMatteo responded that if the Town recorded all reasons and documentation for such a case the approximate cost would be \$4,500. The Town of Middlebury hired Kenneth Pike as their new assessor. Sue Kibler was the former Town of Middlebury assessor. Councilman Becker agreed with Councilman Kirsch that the cost of the County agreement is too much. Councilman Becker further stated that he was on the fence until they interviewed the candidates and there were some good candidates. Resident Paul Kirsch asked to address the Board. Mr. Kirsch stated that he was opposed to a County assessor stating that every time the County or State takes something from the Town we lose something.

Councilman Armbrust agreed that there were good candidates. Councilman Becker stated that he felt Anthony Dispenza was the right fit for the Town. Councilman Kirsch agreed that Anthony seemed very qualified. Councilman Armbrust stated that Mr. Dispenza has his vote.

### **Motion to Appoint Anthony Dispenza**

A motion was made by Brian Becker and seconded by Vince Kirsch to appoint Anthony Dispenza to a 6 year term as Town of Sheldon Assessor.

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

Councilwoman Metz abstained stating that she was not present at the interviews.

### **Varysburg Water Project**

Supervisor Knab informed the Board that the Town needs to purchase some land for the water storage tank. The tank needs to be up at least 65 feet. Attorney DiMatteo suggested looking into any land that may be available at County auction. Attorney DiMatteo stated that the Water district needs approximately 1/3 of an acre of land.

### **New Business**

#### **Advertise Halloween**

A motion was made by Vince Kirsch and seconded by Brian Becker to advertise in the East Aurora and Attica Pennysavers that Halloween night for the Town of Sheldon will be Thursday, October 31<sup>st</sup>.

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

#### **Budget Workshop Meeting**

A motion was made by Lynne Metz and seconded by Mike Armbrust to schedule a budget workshop for Tuesday, October 1, 2013 at 6:30 p.m. at the Sheldon Town Hall.



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

**Board of Assessment Review Appointment**

A motion was made by Lynne Metz and seconded by Mike Armbrust to re-appoint Ron Barvian to a five year term to the Board of Assessment Review. (term 9/30/2013-9/30/2018)

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

**Town Park Committee Appointment**

A motion was made by Lynne Metz and seconded by Mike Armbrust to re-appoint Don Neamon to a five year term to the Town park committee. (term 9/30/2013-9/30/2018)

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

**Harris Corners Public Hearing**

A motion was made by Lynne Metz and seconded by Vince Kirsch to set a date for a public hearing for the Harris Corners fire department contract on October 15, 2013 at 8:00 p.m.

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

**Varysburg Fire Department Public Hearing**

A motion was made by Lynne Metz and seconded by Vince Kirsch to set a date for a public hearing for the Varysburg fire department contract on October 15, 2013 at 8:00 p.m.

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

**Resolution – Public Hearing – Proposed Local Law – Override of Tax Levy**

**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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**WHEREAS**, the Town Board of the Town of Sheldon finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

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

**RESOLVED**, by the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 15<sup>th</sup> day of October 2013 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

### **Fund Transfer**

A motion was made Lynne Metz and seconded by Mike Armbrust to approve the transfer of \$50,000 from General Fund Money Market (A9901.9) to Highway Money Market (DA5031) for the September 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 Vince Kirsch and seconded by Lynne Metz that the

General Bills #268 to #295 for a Total of \$19,947.23, the

Highway Bills #157 to #175 for a Total of \$138,132.09, the

Trust & Agency Bills #38 to #41 for a Total of \$1,704.92 the

Varysburg Water District Bills #70 to #78 for a Total of \$3,413.87 and the

Lighting District Bills for a Total of \$718.86 be paid.

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Assessor Computer**

Acting Assessor, Sue Kibler, informed the Board that a new computer would be needed for the Assessor.

### **Woodchips – Town Schoolhouse**

MaryAnn Bartz offered to take the left over wood chips from the Sheldon Historical Schoolhouse.

### **Town Park – Contact Info**

Resident Paul Kirsch informed the Board that while at the Town park at a family event the braker went out. He suggested that a sign be posted at the park with a contact number of someone to call if this should happen again. Supervisor Knab stated that he will talk to the park committee.

### **Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the September 17, 2013 meeting of the Sheldon Town Board.

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

## **Special Meeting of the Sheldon Town Board Assessor Interviews & Budget Workshop October 1, 2013**

Present: Supervisor John Knab, Councilman Vince Kirsch, Councilman Brian Becker, Councilman Mike Armbrust, Town Clerk Carol Zittel

Absent: Councilperson Lynne Metz

Bookkeeper Katie Chmura was present at the Budget Workshop meeting at 7:00 p.m.

Highway Superintendent Dave Ricketson was present at the Budget Workshop meeting.

### **Assessor Interviews**

On September 17, 2013 the Town Board appointed Anthony Dispenza as the Town Assessor. When notified on September 18<sup>th</sup> by the Town Clerk, Mr. Dispenza declined the offer. Mr. Dispenza stated that he had accepted a job with Wyoming County Real Property Services and was prohibited in taking the position with the Town of Sheldon. The Sheldon Town Board asked the three remaining Assessor candidates for a second interview: Kenneth Pike, Sue Kibler and Kandace Wittmeyer. Ms. Wittmeyer was not available to re-interview on October 1st. At 6:30 p.m. the Town Board met with applicant Kenneth Pike. Mr. Pike informed the Board that he was appointed the Town of Middlebury assessor. Mr. Pike stated that he has also interviewed with the Town of Leroy, the Town of Pavilion, the Town of Ontario and the Town of Williamson. The Town Board asked Mr. Pike what rate of pay he would expect to which Mr. Pike responded approximately \$11 per hour.

At 7:10 p.m. the Town Board met with Sue Kibler, the current Town of Sheldon Acting Assessor. The Town Board asked Ms. Kibler various questions. When asked her salary requirements, Ms. Kibler stated that she would be agreeable to what the Town paid their former Assessor or approximately \$10.49 a parcel. Councilman Kirsch asked how many of her disputed assessment cases went to small claims. Ms. Kibler stated that in 2011 she had 11 cases in small claims. She stated that she won 5 of the 11 cases.

### **Table Decision of Appointing Assessor**

A motion was made by John Knab and seconded by Mike Armbrust to table the decision of appointing a Town Assessor until their October 15, 2013 meeting.

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

### **Budget Workshop Meeting**

At 7:30 p.m. the Town Board began review of the 2014 proposed budget.

Supervisor Knab and the Town Board reviewed line by line the proposed 2014 Town of Sheldon budget. The distributed proposed 2014 budget included 3% raises for all Town positions.

### **Planning Board Rate of Pay**

While reviewing the budget the Board decided to increase the Planning Board per meeting pay rate from \$25 to \$30 per meeting.

### **Highway Superintendent**

Highway Supt. Ricketson stated that he is agreeable to the 3% increase but would like to ask the Board if they would be agreeable to a clothing allowance and co-pay reimbursement. The Town Board stated they would be agreeable to a yearly \$200 clothing reimbursement and a co-pay reimbursement with a \$500 yearly maximum.

### **Town Clerk Salary**

The Town Clerk's salary was reviewed. The Town Board asked the Clerk Carol Zittel how many hours she works per week and reviewed her current salary. The Town Board was agreeable to a \$3,000 per year increase in pay rate in 2014.

### **Town Historian**

The Town Board discussed the Town Historian position and budget requirements. The Board asked the Town Clerk to request a report from the Town Historian, Barb Durfee, detailing the dates, times, names and requests received in 2013. The board would like the report to include a detailed list of items of Town historical significance that the Historian has in possession at her home residence. For example, any photos, journals, books, family trees, etc. that is Town property. The requested report should be submitted to the Board at their November 19<sup>th</sup> meeting.

There were minor fund adjustments that the Town Bookkeeper would make before presenting the Board with the preliminary budget.

At 9:20 p.m. the Town Board ended the meeting.

**REGULAR MEETING**

**SHELDON TOWN BOARD**

**October 15, 2013**

**Public Hearing – Harris Corners Fire Department contract**

**Public Hearing – Varysburg Fire Department contract**  
**Public Hearing – Local Law 3-2013 “Override the Tax Levy”**

The Regular Meeting of the Sheldon Town Board held October 15, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 PM.

Present: Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin. 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 Mike Armbrust that the minutes from the Regular Board Meeting on September 17, 2013 and the minutes from the special meeting with the Java Town Board held on September 9, 2013 be approved.

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

**Communications**

The Town Clerk reported on the following:

**#38    Change in September Vouchers**

The Town Clerk advised the Board of a change in the Highway abstracts from September 2013. Voucher #162 and #174 were voided. Voucher #162 had already been paid in August. #174 was

voided because the Highway Dept. decided not to take the defensive driving class. The new total claims for the Highway Fund, September 2013: \$137,628.09.

### **Resolution Request – Asian Carp in the Great Lakes**

#39 A town resident sent an informational postcard asking the Town Board to consider passing a resolution to “keep Asian carp out of the Great Lakes.” The Town Clerk will forward the resolution via email to Board members so they can review it. If the Board would like to consider such a resolution they will inform the Town Clerk.

### **Reports**

Financial Reports were presented for the month of September 2013 from the Town Supervisor, Town Clerk and the Town Justices.

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

### **Historical Society Trees**

The trees at the Historical Society have been removed.

### **Shoulder Material**

Shoulder material for the Town of Sheldon has been stockpiled at the Java Transfer Station. The Town of Java was nice enough to allow us to store materials there.

### **Road Work**

The Highway Dept. has been busy grading gravel roads.

### **Assisting County Highway on Perry Rd.**

The Sheldon Highway Dept. will be assisting the County Highway Dept. replacing shoulders on Perry Rd. tomorrow.

### **Equipment**

No major breakdowns to report.

### **Salt & Sand**

The Dept. is beginning to stock salt & sand for winter.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Varysburg Water Land Purchase**

The Varysburg Water district needs to purchase land to site the water reservoir. Mr. Edwin Francis of Varysburg has told Supervisor Knab that he would be willing to sell the land needed to site the reservoir. Attorney DiMatteo arrived at the meeting at 7:40 p.m. and joined the conversation. Attorney DiMatteo stated that the District will need to purchase at least 1-2 acres of land. Attorney DiMatteo stated that the Town does not need to abide by Zoning regulations regarding the minimum parcel size under General Municipal Law. At the end of the Board meeting Attorney DiMatteo distributed a letter from Chatfield Engineers with a map of where the reservoir should be sited. Supervisor Knab will contact Mr. Francis regarding the purchase of land.

### **Wyoming County Leak Detection System**

Supervisor Knab stated that Wyoming County has purchased a leak detection system that will be available for water districts within the County.

### **Wyoming County Bills**



Wyoming County bills for the month of September 2013 were \$3,732,117.12.

### **Acceptance of Reports**

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

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

### **Harris Corners Fire Contract**

The following were present from the Harris Corners Fire Dept.: Nick Kirsch, Mark Keem, Steve Metz, Margit Germain, Jim Germain

Nick Kirsch, president of the fire department informed the Board that the fire department requests a three year contract with an increase of 2% per year. The Town Clerk was asked to contact Russ Reisdorf from the Strykersville Fire Dept. to see what the fee for rescue service will be for 2014-2016. In 2013 the Harris Corners Fire Dept. received \$27,695.04 for fire service and \$900 for rescue service from the Town of Sheldon. A 2% increase would result as follows: \$28,248.94 for 2014, \$28,813.92 for 2015, \$29,390.20 for 2016.

### **Standard Operating Procedures re: Wind Turbines**

Attorney DiMatteo contacted Wyoming County Emergency Services regarding standard operating procedures in regards to wind turbines and fire issues. He was told that the County does not have SOP's for the wind turbines. Supervisor Knab stated that no first responders or fire departments are to enter a wind tower. He also noted that now that the Orangeville project is underway he would think that Invenenergy would hold a training seminar for area fire departments. Attorney DiMatteo stated his opinion that having a County wide SOP would seem to be a good idea.

### **Harris Corners Fire Contract**

There was some discussion regarding the Harris Corners Fire Dept. contract. Attorney DiMatteo requested that the Town Clerk send copies of past fire and ambulance contracts to his attention for review.

### **Varysburg Fire Department Contract**

The Varysburg Fire Department requested a one year contract with a 2% increase. The Fire Dept. received a total amount of \$99,440.00 in 2013 combined from the Town of Sheldon, Town of Orangeville, Town of Bennington and the Varysburg Fire District.

### **Vote on Fire Contracts at November Regular Meeting**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to wait until the regular November board meeting to approve the Varysburg and Harris Corners Fire contracts.

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

### **Addition to Town Hall**

Councilman Vince Kirsch has not received a response from the Justice Court Fund regarding the submission of grant paperwork. Attorney DiMatteo asked Councilman Kirsch to contact him if he requires any assistance.

### **Appointment of Town Assessor**

Councilman Armbrust commented on what he feels needs to be addressed in regards to the position of the Town Assessor. He stated that in the past there has been a lack of communication between the Board and the Assessor. He hopes that with this new appointment the Town Board will do the following:

- request and receive a quarterly report from the Assessor
- see a complete Town reval within four years,
- have records of each property/parcel with images and acreage confirmed.

He also stated that he feels it is important to have our own Assessor and not a shared assessor at the County and that our assessor not work as an assessor for more than three towns.

### **Motion to Contract with Wyoming County Real Property Services**

A motion was made by Lynne Metz and seconded by John Knab to contract with Wyoming County Office of Real Property Services for assessment services for the Town of Sheldon.

Ayes: (2) Knab, Metz    Nays: Kirsch, Becker, Armbrust (3)                    **Motion Not Carried.**

### **Appointment of Ken Pike as Town Assessor**

A motion was made by Vince Kirsch and seconded by Brian Becker to appoint Kenneth Pike as the Town of Sheldon Assessor with the stipulation that he will not contract with more than 3 Towns for assessment services and that he submit a quarterly report to the Town Board.

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

The Town Board asked the Town Clerk to notify Mr. Pike of his appointment noting the stipulations. They also asked that Mr. Pike meet with them on Wednesday, November 6<sup>th</sup> at 6:30p.m.

### **Open Public Hearing – Local Law 3-2013**

At 8:35 the Town Clerk read the public hearing notice for Local Law 3-2013 entitled: “overriding the tax levy limit established in General Municipal Law Section 3-c.” published in the September 26, 2013 Arcade Herald. Supervisor Knab opened the public hearing. As there were no comments on the proposed law the Town Board continued with its meeting agenda.

### **Varysburg Water Regulations**

Attorney DiMatteo distributed copies of the current regulations that were adopted on December 23, 1976 and copies of new suggested regulations. Attorney DiMatteo stated that he hoped the Board would review the suggested regulations, make any changes they deem necessary and then adopt a set of regulations by year end. Attorney DiMatteo asked Supervisor Knab to distribute copies to the members of the Water Board for their input.

### **New Highway Pickup Truck**

Highway Supt. Ricketson asked the Board for authorization to advertise for bids for a new, unused 2014 pickup truck. A town resident asked Supt. Ricketson why the department needs a

new pickup. Highway Supt. Ricketson responded that the town is able to purchase a new truck under NYS bid at a reduced cost, they are then able to use the truck for a year or two and resell it without losing any money.

**Authorization to Advertise for Bids for a New Pickup**

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the Town Highway Supt. to write specs and advertise for bids for the purchase of a new 2014 pickup truck.

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

**Loan Resolution – Varysburg Water District**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to adopt the loan resolution RUS Bulletin 1780-27 as follows:



**Adopt Tentative Budget as Preliminary Budget for 2014 and Set Date for Public Hearing**

A motion was made by Mike Armbrust and seconded by Brian Becker to adopt the tentative budget as the preliminary budget for 2014 and set the date for a public hearing for November 6, 2013 at 7:00 p.m. at the Sheldon Town Hall.

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 #296 to #341 for a Total of \$13,272.45, the

Highway Bills #176 to #186 for a Total of \$15,819.83, the

Trust & Agency Bills #42 to #45 for a Total of \$1,680.43 the

Varysburg Water District Bills #79 to #86 for a Total of \$2,620.42 and the

Lighting District Bills for a Total of \$758.91 be paid.

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

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Town Historian Report Request**

Councilman Kirsch asked if the Town Historian, Barb Durfee, had submitted a Historian report yet. The Town Clerk responded that a letter request for the report will be sent to Barb this week. The Board asked that Ms. Durfee submit the report at the November regular meeting.

### **Tax Override Law Question**

A resident asked how the 2% tax override affects the taxpayers of Sheldon. Supervisor Knab responded that the Town budget in place as of now would not call for any Town taxes.

### **Historical Society Trees**

Mary Bartz commented that the company that removed the trees at the Historical Society did a great job.

### **Certificate of Need – Harris Corners FD**

Attorney DiMatteo stated that he will contact Tony Santoro, Director of Wyoming County Emergency Services regarding who has the certificate of need in regard to the Harris Corners Fire Department/Strykersville Ambulance Service contract.

### **Adoption of Local Law 3-2013**

**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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c. to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board fist enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**WHEREAS**, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on October 15, 2013 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

**WHEREAS**, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to adopt said law.

**NOW ON MOTION OF** Brian Becker, which has been duly seconded by Vince Kirsch, therefore, be it

**RESOLVED**, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to adopt Local Law No. 3 of 2013 entitled, Override the Tax Levy Limit Established in General Municipal Law §3-c.” and be it

**FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

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

**Adoption of Local Law 3-2013**

**A LOCAL LAW ENTITLED, “OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c.”**

BE IT ENACTED by the Town Board of the Town of Sheldon as follows:

SECTION I.                    LEGISLATIVE INTENT



It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sheldon, County of Wyoming pursuant to General Municipal Law §3-c. and to allow the Town of Sheldon, County of Wyoming to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

## SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

## SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Sheldon, County of Wyoming is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

## SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

**Adjournment**

A motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the October 15, 2013 meeting of the Sheldon Town Board.

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

**Special Meeting**

**SHELDON TOWN BOARD**

**Meeting with New Town Assessor – Kenneth Pike at 6:30pm**

**Public Hearing – 2014 Budget at 7:00pm**

**November 6, 2013**

The Special Meeting of the Sheldon Town Board held November 6, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 6:30 PM.

Present:        Supervisor John Knab

Councilpersons: Brian Becker, Mike Armbrust, Lynne Metz

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Absent: Councilman Vince Kirsch

Also Present: Newly Appointed Assessor Kenneth Pike

The Town Board met with newly appointed Town Assessor, Kenneth Pike to review salary requirements, office hours, computer and equipment needs, etc.

Supervisor Knab stated that February is a busy time for ag exemption paperwork and may require extra office hours during this time.

Councilman Armbrust stated that most importantly the Assessor needs to be available to our residents.

Councilman Becker stated that he would be agreeable to the assessor being available in the office on Wednesday nights from 5-9pm and other days available for phone calls and appointments.

Mr. Pike stated that he is working for the Town of Batavia on an hourly basis 22 hours a week, Tues-Thurs. He works Thursday evening in Middlebury. Monday's and Friday's he is available to set up appointments with Sheldon residents. Once a month on a Monday he needs to meet at the Wyoming County Office of Real Property in Warsaw.

### **Request of Monthly Assessor Reports**

Attorney DiMatteo stated that it would be nice to know when you schedule dates on those extra days. A monthly report updating the Board on what you have been working on would be appreciated.

Mr. Pike stated that he feels one of the most important part of the Assessor's job is outreach. ie: putting notices in papers, holding public informational meetings, etc... Councilman Armbrust noted that the Town does have a proxima projector to use for public meetings.

The Board asked Mr. Pike to back up his computer records weekly and give the backup to the Town Clerk to keep in the fire proof cabinet.

Supervisor Knab stated that he will be putting a new lock on the Assessor's office.

### **Opening of the Budget Public Hearing**

At 7:00 pm Supervisor Knab opened the public hearing for the 2014 Town budget. The Town Clerk read the legal notice that was published in the October 24, 2013 Arcade Herald. As there were no residents in attendance for the budget public hearing, the Town Board continued with their meeting with the Town Assessor.

### **Revaluation**

Attorney DiMatteo stated that although the Town is not conducting a reval this year the reval process of getting parcel information updated needs to begin now. He also stated that it is important to make public notice when the revaluation begins. Councilman Armbrust stated that he would like to see our Assessor carry out the reval process and not have to hire a 3<sup>rd</sup> party to do so. Preferably, if the Assessor needs to hire a clerk to assist with the reval, payment of the clerk would be the responsibility of the Assessor. Councilman Armbrust suggested increasing the Assessor's pay to cover this responsibility. Since a reval would not be on the 2014 agenda, the Town Board decided to wait until next year to consider how to handle payment of a clerk to the Assessor.

### **Cost Sharing with Town of Middlebury**

Mr. Pike noted that the Town of Middlebury has paid for a new laptop. (approx. \$400) They would be willing to share the cost of the laptop with the Town of Sheldon. Supervisor Knab

asked that the Town of Middlebury submit a voucher to the Town of Sheldon to cover half the cost of the laptop and accessories.

### **Monthly Reports to Town Board**

Attorney DiMatteo suggested that Mr. Pike submit a monthly report to the Town Clerk to distribute at the monthly board meetings. He also suggested that attending a Town Board meeting quarterly would be appreciated.

### **Assessor Salary & Hours**

A motion was made by Lynne Metz and seconded by Mike Armbrust to set the salary for the Town Assessor at \$17,710.00 plus \$35 a month for cell phone reimbursement and to set the hours of the Town Assessor as Wednesday's 5-9 pm at the Town hall with the understanding that Town of Sheldon residents will be able to reach the Assessor at other times via cell phone and be able to schedule appointments on available Monday's and Friday's.

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

### **Authorization for Town Bookkeeper to Use Town Credit Card**

The Town Bookkeeper requested that the Town Clerk ask permission from the Town Board for her to use the Town credit card to purchase a laptop.

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the Town Bookkeeper, Katie Chmura, to use the Town credit card to purchase a new Town laptop for bookkeeper use.

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

### **Town Zoning – Non-Conforming Use**

Attorney DiMatteo distributed sample wording to replace Section 5090 of Town Zoning Law. Councilman Armbrust suggested that this proposed new wording be given to the Town Planning

Board for their review and that the Town Planning Board submit their recommendations to the Town Board.

### **Closing of Public Hearing**

At 8:15 p.m. a motion was made by Mike Armbrust and seconded by Lynne Metz to close the public hearing for the 2014 Budget.

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

### **Sale of Land for Varysburg Water Reservoir**

Supervisor Knab advised the Board that Mr. Edwin Francis has agreed to sell a parcel of land for the future site of the water reservoir at a price of \$5,000. The parcel is less than 2 acres.

### **Zoning Law Addendums**

Councilman Armbrust asked the Town Clerk to email a copy of the Town Zoning Law addendums to his attention.

### **Acknowledgement of Assessor Responsibilities**

The Town Board requested a memorandum of understanding from Kenneth Pike in regards to issues discussed at tonight's meeting. To fulfill this request, it was suggested that Mr. Pike sign the minutes from tonight's meeting to acknowledge the Town Board's expectations of the Town Assessor position. The Town Clerk will forward the minutes from tonight's meeting to Mr. Pike for his signature and acknowledgement.

### **Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the November 6, 2013 meeting of the Sheldon Town Board.

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

**REGULAR MEETING**  
**SHELDON TOWN BOARD**  
**November 19, 2013**

The Regular Meeting of the Sheldon Town Board held November 19, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 p.m.

Present: Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

Attorney David DiMatteo

Absent: Hwy. Supt. David Ricketson

Also Present: Zoning Officer Ken Martin, Town Historian Barb Durfee. 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 October 1, 2013 Assessor Interviews and Budget Workshop Meeting, the October 15, 2013 Regular Board Meeting and the November 6, 2013 Assessor and Budget Public Workshop Meeting be approved.

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

## **Communications**

The Town Clerk reported on the following:

### **#40 Change in October Highway Vouchers**

Voucher #182 to Java Farm Supply was voided. This bill was previously paid in September. This changed the October Highway Voucher total from \$15,819.83 to \$15,644.20.

### **#41 Liquor License Renewal Application – Flip Side**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to accept without objection the NYS Liquor renewal application received from The Flip Side Bar & Grill, 3803 Main Street, Strykersville, NY 14145, owner Wayne Abbott.

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

### **#42 Planning Board Resignation**

The Town Clerk confirmed that all the Board members received the resignation letter from Planning Board member Robert Kolodziej.

### **#43 Association of Towns Annual Conference**

The Annual Association of Towns Conference will be held in New York City February 16-19, 2013.

### **#44 Thank You to Zoning Officer**

The Town Clerk read a thank you letter sent to Zoning Officer, Ken Martin, from Dan & Sandy Schofield.

### **#45 Local Government Management Guide**



The Town Clerk distributed to each Board member a Local Govt. Management Guide from the NYS Comptroller's Office. There are certain policies that the Town Board may want to consider enacting in 2014 such as a credit card policy, cell phone policy, etc...

#### **#46 Town Assessor Memo of Understanding**

The Town Board had requested that Town Assessor, Ken Pike, submit a memo of understanding including in the memo items that were discussed at their November 6<sup>th</sup> meeting. The Town Clerk asked if it would be acceptable to have Ken Pike sign the minutes from the November 6, 2013 meeting to satisfy this request. The Town Board stated that they would prefer that Ken submit a memo using his own words. The Town Clerk will ask Ken to submit this memo before the December 17, 2013 meeting.

#### **Reports**

Financial Reports were presented for the month of October 2013 from the Town Supervisor, Town Clerk and the Town Justices.

#### **Highway Superintendent's Report**

Highway Superintendent Ricketson was not present at tonight's meeting.

#### **Town Historian Report**

Barb Durfee, Town Historian, presented a Town historian report per the Town Board's request. Ms. Durfee presented the Town Clerk with a written report and read aloud the report detailing various Historian duties she has undertaken in the past year. Ms. Durfee gave the Board her website address <http://registeredsheldonhistorian.tripod.com/> Councilman Becker asked Ms. Durfee if she had received any files, documents, town records, etc...from the previous Town historian. Ms. Durfee stated that she was told she would receive a lot of information but never did. She stated that the only item she received was a small file cabinet. Councilman Kirsch suggested that the Town information be stored in a fire proof safe. Councilman Kirsch stressed that most important to the Town is that the information that the Town Historian has put together over the years be secure, saved and made available to people going forward.

**Supervisor Report** – Supervisor John Knab reported on the following:

**County Tax Rate Increase**

If the proposed 2014 County budget remains as is the County tax rate will increase by 32.6 cents per thousand. This increase would give the Town of Sheldon a County tax rate of \$8.96 per \$1,000 assessed value for 2014.

**County Budget Public Hearing**

The public hearing for the Wyoming County 2014 Budget will be held on November 27, 2013 at 11:30am in the Supervisor's chambers.

**County Bills**

Wyoming County bills for October 2013 were \$1,869,769.52.

**Invenergy Wind Farm Payment**

The Town received \$810,800.56 from Invenergy for their annual wind farm project payment. This payment will enable the Town to levy no town taxes for the 2014 calendar year.

**Mortgage Tax Checks**

The Town just received a little over \$22,000 in mortgage tax payments. The Town had budgeted to receive \$25,000 in 2013 but actually received a little over \$40,000 in mortgage tax revenue. This revenue comes from new mortgages and refinanced mortgages in the Town of Sheldon.

**Varysburg Water District Leaks**

There was a bad leak on Saturday afternoon at the intersection of Route 98 and Route 20A. Today, November 19, 2013 there was another leak on Route 98.

**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.

**Old Business**

**Town Park Community Service Project**

Resident Jeremy Kocsis was present at the Board meeting. Jeremy completed a community service project at the Varysburg Park playground to obtain his Eagle Scout badge from the Boy Scouts of America. Jeremy brought in a photo slideshow on his laptop to show the Board the work that had been accomplished at the Park. With the help of the Varysburg Lions Club Jeremy was able to build the playground area up and cover it with mulch and fabric. The Lions Club donated \$500 to the project. In the spring Jeremy will plant some grass seed. The Town Board confirmed that the project was done in a satisfactory manner and authorized the Town Supervisor to sign the community service project paperwork from the Boy Scouts. The Town Board and residents in attendance thanked Jeremy for his time and efforts.

**Open Bids New Pickup Truck Highway Dept.**

The Town Clerk read the bid notice published in the legal ad section of the October 31, 2013 Arcade Herald. Highway Superintendent Dave Ricketson was not present at tonight's meeting. There were 6 bids received:

Company	Address	Type of Vehicle	Bid Amount
Pioneer Ford	566 Main St., Arcade,	2014 Ford F-150	\$25,151.00

	NY 14009	Super Extended Cab	
DeLacy Ford	3061 Transit Rd., Elma, NY 14059	2014 Ford	\$26,056.88
Vision Ford	4545 Ridge Rd. W., Rochester, NY 14626	2014 Ford F-150STX	\$25,890.00
Martin Bros. Chevrolet	613-615 Main St., Arcade, NY 14009	2014 Chevy Silverado 1500	\$35,721.57
West Herr	5025 Camp Road  Hamburg, NY 14075	2014 Ford F150 Supercab	\$26,124.00
Transittowne	2989 Transit Rd.,  Elma, NY 14059	2014 Ram 1500	\$37,734.00

**Awarding of Bid – 2014 Highway Pickup**

A motion was made by Brian Becker and seconded by Mike Armbrust to award the bid to Pioneer Ford, 566 Main St., Arcade, NY for the purchase of a 2014 F-150 Super (Extended) Cab 4x4 pick-up short box at the price of \$25,151.00 upon the Highway Superintendent's review of the bid to confirm all bid specifications were met.

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

**New Business**

**Adopt Preliminary Budget as 2014 Final Budget**

Supervisor Knab stated that the Town Board held a budget public hearing on November 6, 2013. The only people present at the public hearing were the Town Board members, Attorney DiMatteo, Assessor Ken Pike and Town Clerk Carol Zittel.

**Adopt Final 2014 Budget**

A motion was made by Lynne Metz and seconded by Vince Kirsch to adopt the preliminary budget as the 2014 Final Budget. The Town Board noted that there will be no town taxes in 2014.

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

### **Notice in Tax Bills**

A motion was made by Brian Becker and seconded by Lynne Metz to authorize the insert of a notice in the Town tax bills that explains the tax benefits obtained from the wind project revenue.

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

### **Set Public Hearing Date – Special Use Permit**

Keith Fioretti, owner of the property at 2486 Main St., Varysburg has submitted a Special Use Permit application to lease his land to Jim Williams, 586 Three Rod Rd., Alden, NY 14004 for the purpose of operating a used car sales business. The Town Planning Board reviewed the application at their last meeting and approved its submission. It will be up to the Town Board to determine whether a Special Use Permit should be issued after a public hearing has been held. The Town Board asked that the proper paperwork be sent to the Wyoming County Planning Board for their review. Specifically, the Town Board asked that a drawing/site plan with spaces marked for parking, snow removal, lighting and accessibility be submitted.

A motion was made by Mike Armbrust and seconded by Lynne Metz to schedule a public hearing on December 17, 2013 at 7:30 p.m. for the Special Use Permit application received from Keith Fioretti, 2796 Almeter Rd., Orangeville, NY to lease a portion of his property at 2486 Main St., Varysburg, NY to Jim Williams, 586 Three Rod Rd., Alden, NY to operated a used car sales business.

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

### **Thomas Rd. RV Camping Park**

After receiving a few phone calls from Thomas Road residents concerned that work had already begun on a proposed RV campsite, Zoning Officer, Ken Martin, visited the McGoldrick property on Thomas Rd. Mr. Martin stated that no applications have been accepted for the proposed RV camp therefore nothing has been approved for work to have begun. Mr. McGoldrick had

inquired to the Town Planning Board regarding the steps that would have to be taken in order for an application to be accepted. Mr. Martin stated that upon inspection of the property that there was no gravel or dirt brought in. The only work that seemed to have occurred is the digging of 3 test holes for a septic system. Mr. Martin stated that there were no zoning violations that he could see.

### **Planning Board Appointment**

A motion was made by Lynne Metz and seconded by Vince Kirsch to appoint Mary Kehl to fill the remaining term 11/19/2013 – 12/31/2017 of Bob Kolodziej, who recently resigned from the Town Planning Board.

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

### **Planning Board Alternate Member Appointment**

A motion was made by Lynne Metz and seconded by Mike Armbrust to appoint Beth Reisdorf as an alternate member of the Town Planning Board with a term of 11/19/2013 – 12/31/2017.

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

### **Town Clerk Williamson Law Software**

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the Town Supervisor to sign the contract with Williamson Law for the annual Town Clerk Software fee of \$300.

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

### **Table Harris Corners & Varysburg Fire Dept. Contract**

As of tonight's meeting, the Town of Bennington has not advised the Sheldon Board as to their decision on the Harris Corners or Varysburg Fire contracts. The Sheldon Town Board decided to table discussion of the fire contracts until the Town of Bennington has advised the Sheldon Board of their decision.

The Harris Corners Fire Department had asked for a 3 year contract with a 2% increase per year. The ambulance fee to Strykersville would be \$950 per year. The Varysburg Fire Department had asked for a one year contract with a 2% increase.

A motion was made by Brian Becker and seconded by Mike Armbrust to table discussion of the Varysburg and Harris Corners Fire Department contracts until the December 2013 regular meeting.

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

#### **Town Park Appointment**

A motion was made by Mike Armbrust and seconded by Lynne Metz to appoint Janet Bonner to the Town Park committee to fulfill the term 11/19/2013 – 09/30/2015 of Denise Maillet who has recently passed away.

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

#### **Town Park Rental**

Supervisor Knab stated that Darlene Janes from Varysburg will be the park rental contact.

#### **Budget Journal Transfers**

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

Transfer \$85,000.00 from General Fund Money Market A9901.9 to Other Funds to Highway Money Market – DA5031 Interfund Transfer (for November bills)

Transfer \$23,432.13 from DA3501 Consolidated Hwy. Aid to DA5110.4 General Repairs Contractual

Transfer \$914.85 from SW1-8320.4 Source of Supply Contr. To SW1-1950.4 Taxes & Assessments on Property

Transfer \$594,257.00 from General Fund A9901.9 transfer to other funds to Highway Fund DA5031 - Interfund Transfer

Transfer \$77,108.40 from General Fund A9901.9 transfer to other funds to Highway Fund DA5031 – Interfund transfer (for CD#224460331)

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 #342 to #376 for a Total of \$43,212.48, the

Highway Bills #187 to #204 for a Total of \$69,608.04, the

Trust & Agency Bills #46 to #52 for a Total of \$2,395.16 the

Varysburg Water District Bills #87 to #91 for a Total of \$1,457.37 and the

Lighting District Bills for a Total of \$811.32 be paid.

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

**Loan to Varysburg Water District**

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town of Sheldon General Fund loan to the Varysburg Water District in the amount of \$5,000.00 with interest at one and fifty one hundredths (1.5%) annum due and payable on December 31, 2014.

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



## **Vulnerability Assessment – Varysburg Water**

Attorney DiMatteo informed the Board that a vulnerability assessment needed to be completed for the Varysburg Water District. Attorney DiMatteo went through a checklist of items with the Town Board to complete the assessment.

## **Resolution Authorizing an Interfund Advance from the General Fund to the Varysburg Water District Fund in Accordance with General Municipal Law §9-a**

**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 Lynne Metz**, which has been duly seconded by **Brian Becker**, 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 \$5,000.00 from General Fund SW1-200 (cash-checking) to the Varysburg Water District Fund A9901.9 (transfer to other funds); and be it further

**RESOLVED**, that said \$5,000.00 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 2014 fiscal year.

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

### **Francis Land**

Attorney DiMatteo informed the Board that Mr. Edwin Francis, the owner of the land that the new water reservoir will be sited, does not have a land survey. The land is 1.9 acres.

### **Comments from the Floor**

Supervisor Knab opened the floor to comments.

### **Water Reservoir Land Purchase**

Resident Norm Kehl asked why the Town doesn't keep the reservoir where it is. Supervisor Knab responded that the current reservoir is not sitting on Town owned land. Mr. Kehl asked if there was Town land near the current location to which Supervisor Knab responded that no, the Town does not own any land near the reservoir.

### **Wind Project Revenue & Town Taxes**

Mr. Kehl also asked if the Town will not levy Town taxes due to the windmill revenue. Supervisor Knab responded that the Town will not levy Town taxes thanks to the windmill revenue.

### **Certificates of Need – Volunteer Fire Companies**

Attorney DiMatteo stated that he is still trying to determine who holds the certificates of need for the volunteer fire companies in the Town.

## **Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the November 19, 2013 meeting of the Sheldon Town Board.

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

**REGULAR MEETING**  
**SHELDON TOWN BOARD**  
**December 17, 2013**

The Regular Meeting of the Sheldon Town Board held December 17, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 p.m.

Present:        Supervisor John Knab

                  Councilpersons: Vince Kirsch, Brian Becker, Mike Armbrust

                  Absent: Councilperson Lynne Metz

                  Recording Secretary: Town Clerk Carol Zittel

                  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.

## **Open Public Hearing – Keith Fioretti – Used Car Sales**

Supervisor Knab opened the public hearing. The Town Clerk read the public hearing notice published in the December 5, 2013 legal ad section of the Arcade Herald. Mr. Fioretti requested a special use permit to allow him to lease his garage to Jim Williams, Alden, NY to run

a used car lot. Mr. Williams addressed the Board stating that he ran a used car lot in Alden, NY for 25 years. He stated that he is in good standing with the NYS DMV and that the DMV has pre-approved his license on the condition that the Town Board approves the special use permit. Mr. Williams stated that he has completed all the required paperwork with the Town Planning Board and that the County Planning Board. Both boards recommended that the number of cars be limited to five. Mr. Williams stated that five cars is more than enough. Councilman Kirsch asked if the business would be limited to just sales. Mr. Williams responded, yes, strictly sales. Mr. Williams said he would be happy with a limit of no more than 3 cars. Kathy Zufall, who leases the Varysburg Hotel from Mr. Fioretti, was present at the meeting to voice her concerns with having a car lot behind her business. Ms. Zufall was concerned that this agreement would violate her lease. Her main concerns were with parking and delivery issues. Ms. Zufall also stated that she pays 2/3 of the utility bills and that the garage is on her utility bill. Councilman Armbrust asked if there was any customer parking in the back of the hotel prior to this. Mr. Fioretti responded no, there would be no blocking of the access road and it would never be obstructed. Mr. Fioretti stated that parking would be on the side or behind the garage. Mr. Williams stated that all sales will be through ads not through people driving by and seeing the cars. Councilman Armbrust said he did not see a problem with the permit request as long as parking spaces for the hotel are not infringed on and deliveries are not inhibited. Councilman Becker had some questions regarding who owned the property behind the garage. Councilman Becker was told that Dick Vetter owned the land. Mr. Fioretti did not think that Dick Vetter owned the land. Mr. Fioretti noted that all delivery, dumpster trucks, etc. will be able to access the back of the hotel as in the past. Mr. Williams stated that Ms. Zufall will not be unhappy. He stated his promise that he will bend over backwards to make her happy with the arrangement.

### **Close Public Hearing**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to close the public hearing on the Fioretti Special Use Permit.

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

### **Approval of Special Use Permit**

A motion was made by Mike Armbrust and seconded by Brian Becker to approve the Special Use permit to Keith Fioretti allowing him to lease his property to Jim Williams for the operation of a used car lot with the restrictions recommended by the Town and County Planning Boards which would limit the number of used cars on the premises to no more than five and that parking, delivery trucks will not be obstructed for the Varysburg Hotel and tenants.

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

### **Minutes**

Councilman Becker noted that an incorrect date appeared under Association Dues in the November minutes. The Town Clerk changed the date from 2013 dues to 2014 dues.

A motion was made by Brian Becker and seconded by Mike Armbrust that the minutes from the November 19, 2013 Regular Board Meeting be approved.

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

### **Communications**

The Town Clerk reported on the following:

#### **#47 Youth Program**

The Town Clerk received a message from Katie Shaver, Youth Recreation Director for the Town of Java. Katie expressed her concerns that she does not receive enough assistance from the Town of Sheldon during soccer season. The Town Clerk notified the Town Board that Lydia Kehl, Sheldon Youth Director, will be studying abroad for a semester but will still be available via email. The Town Clerk offered to help Katie Shaver with soccer sign ups when the time comes. The Town Board agreed that the Town of Sheldon should provide the required assistance with the soccer program.

#### **#48 Assessor Phone & Fax Lines**

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the cancellation of the assessor office phone & fax lines. The Town is giving the Town Assessor, Ken Pike, a stipend for the use of his personal cell phone.

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

#### **#49 Williamson Law Tax Collector Software**

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Supervisor to sign the annual contract (1/1/2014-12/31/2014) with Williamson Law for tax collector software at the rate of \$330 per year.

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

#### **#50 DEC Sales Blackout**

The DEC will be updating to a new license sales software program. License sales will be unavailable December 26<sup>th</sup> for approximately ten days. The DEC computer that was supplied to license sales agents across the State will no longer be functional. The Town Clerk will be making use of an old court computer that the court no longer uses.

#### **#51 Draft Memorandum of Understanding – Town Assessor**

The Town Clerk distributed via email a copy of the memorandum of understanding that Kenneth Pike, Town Assessor, put together for the Board. The Town Board had a few questions regarding the memo. The specific questions are regarding the wording below:

**Proposed Reassessment:** at an additional annual salary of \$X to ensure the integrity of the data collected while becoming more familiar with the assessed properties and their owners. The Board wanted an explanation of this section.

For all other electronic records not stored within the RPSV4 system, such records will be stored on a storage device (e.g. thumb drive) using Town's equipment and stored for safekeeping at a location of their choosing.

The Town Board stressed the importance that the files are backed up and stored in 2 locations. Councilman Kirsch stated that he wants to see a move towards getting all files eventually in electronic format.

A motion was made by Mike Armbrust and seconded by Brian Becker to table the memorandum of understanding with Town Assessor, Kenneth Pike, until questions regarding the memo are resolved.

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

### **Reports**

Financial Reports were presented for the month of November 2013 from the Town Supervisor, Town Clerk and the Town Justices.

### **Highway Superintendent's Report**

Highway Superintendent Ricketson reported on the following:

#### **High Lift**

The high lift needed a new alternator.

#### **Truck #237**

Truck 237 needed a turbo actuator.

#### **Plowing & Sanding**

The Dept. has been very busy plowing & sanding.

### **2011 Ford Pick-Up Declared as Surplus**

A motion was made by Vince Kirsch and seconded by Brian Becker to declare the 2011 Ford pickup as surplus and authorize the Highway Supt. to advertise for bids when he is ready to do so.

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

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Electronic Recycling Event**

Supervisor Knab reported on an electronic recycling event to be held on Saturday, January 11, 2014 from 10:00am to 3:00 pm at the Nativity Lutheran Church, East Aurora, NY.

### **Wyoming County Water Resource Agency**

Wyoming County now owns a leak detector that will be available to all water districts in the County while grant money is available. Supervisor Knab stated that this will save the water districts a substantial amount of money.

### **Grant Streambank Revitalization**

Supervisor Knab was notified that two of the three applications submitted have been approved for grant money. The applications for the Maillet property and the Parton property on Route 98 were approved. The work will begin within the next year. FEMA will cover 75% of the cost and the remaining 25% will be the Town's share.

### **Wyoming County Bills**



The Wyoming County bills for the month of November 2013 were \$5,489,618.31. This was the highest the County monthly bills have been in over fourteen years. The hospital renovation and reimbursement for County residents attending community college contributed a large portion of the bills.

**Acceptance of Reports**

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

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

**Old Business**

**Varysburg Fire Contract**

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the 2014 Varysburg Fire contract and authorize the Town Supervisor to sign the contract at the rates found below:

<u>Calendar Year</u>	<u>Sheldon</u>	<u>Orangeville</u>	<u>Bennington</u>	<u>Fire District</u>	<u>Total Contract</u>
2014	\$34,296.48	\$48,764.16	\$8,717.00	\$9,651.24	\$101,428.88

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

**Harris Corners Contract**

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the 2014 Harris Corners Fire contract and authorize the Town Supervisor to sign the contract at the rates found below:

<u>Calendar Year</u>	<u>Fire Service</u>	<u>Rescue Service</u>
2014	\$27,695.04	\$950

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

There was discussion as to whether there should be one joint contract between the Towns of Sheldon and Bennington and the Harris Corners Fire Department. Attorney DiMatteo recommended that the two Towns maintain separate contracts. The Town Board agreed that the 2015 contract should be rewritten by the Town Attorney. The Harris Corners contract for 2015 should be addressed again in the spring of 2014.

#### **Amend 2014 Budget – Harris Corners Change**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to amend the adopted 2014 budget. The Harris Corners Fire Dept. budget was amended to reflect a zero % increase (\$27,695.04) instead of the 2% increase (\$28,248.94) originally budgeted.

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

#### **New Business**

##### **Court Security Agreement**

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the Town Supervisor to sign the court security agreement with the Wyoming County Sheriff's Office at an hourly rate of \$21.75 per hour. (increased from 2013 rate of \$19.50 per hour)

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

##### **Audit of Town Books**

A motion was made by Vince Kirsch and seconded by Brian Becker to set the date for the annual audit of the Town Supervisor, Town Clerk, Justice Court and Tax Collector books for Tuesday, January 14, 2014 at 7:00 p.m. at the Sheldon Town Hall.

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

##### **Year End Meeting**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to set the date for the year end Board meeting for Saturday, December 28, 2014 at 11:00 a.m. at the Sheldon Town Hall.

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

### **Planning Board Appointment**

A motion was made by Brian Becker and seconded by Mike Armbrust to table the re-appointment of Wayne Abbott to the Town Planning Board until it is confirmed that Wayne is still interested in the position.

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

### **Mileage Rate 2014**

A motion was made by Brian Becker and seconded by Vince Kirsch to set the mileage rate for 2014 at .56 per mile.

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

### **Bills:**

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

A motion was made by Vince Kirsch and seconded by Brian Becker that the

General Bills #377 to #415 for a Total of \$11,071.41, the

Highway Bills #205 to #217 for a Total of \$11,078.02, the

Trust & Agency Bills #53 to #57 for a Total of \$2,549.01 the

Varysburg Water District Bills #92 to #100 for a Total of \$7,454.44 and the

Lighting District Bills for a Total of \$825.35 be paid.

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

### **Comments from the Floor**

At 8:50 p.m. Supervisor Knab opened the floor to comments. There were no comments from the floor.

### **Zoning Law re: Varysburg Water Land Purchase**

Attorney DiMatteo asked the Board if they would like a resolution drafted exempting the Town from Zoning Law restrictions on lot size. The Town will be purchasing a portion of land for the Varysburg Water storage tank that will not meet the two acre minimum lot size requirement. The Town Board asked Attorney DiMatteo to draft the resolution.

### **Meeting with Attica School District re: Varysburg Water**

There was a short discussion regarding the future of Sheldon Elementary and how this would affect the Water district. Attorney DiMatteo will pursue setting up a meeting between the Sheldon Town Board and those involved in the project. The following will be invited: Jim Pierce, President of the Wyoming County IDA; Bryce Thompson, Superintendent of Attica Schools; Art Buckley, Director of the Wyoming County Planning Department; Jeff Smith of Municipal Solutions, the Varysburg Water Board and others.

### **Varysburg Water Project**

Councilman Kirsch asked when the Varysburg Water project will go out for bid. Attorney DiMatteo responded spring 2014. Supervisor Knab stated that completion of the project is projected for October 1, 2014.

### **Adjournment**

A motion was made by Brian Becker and seconded by Vince Kirsch to adjourn the December 17, 2013 meeting of the Sheldon Town Board.

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

**END OF YEAR MEETING**

## **SHELDON TOWN BOARD**

**December 28, 2013**

The End of Year Meeting of the Sheldon Town Board held December 28, 2013 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 11:00 a.m.

Present: Supervisor John Knab

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

Recording Secretary: Town Clerk Carol Zittel

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

### **Communications**

The Town Clerk reported on the following:

#### **#52 Change in December 2013 Abstracts**

Hwy. voucher #209 was voided. It was paid via credit card. The highway abstract total for the December 17, 2013 meeting changed from \$11,078.02 to \$10,973.65.

**Supervisor Report** – Supervisor John Knab reported on the following:

#### **Dedication of New Emergency Room – WCCH**

January 2, 2014 at 2:00 p.m. at the hospital. The emergency room will open on January 16<sup>th</sup>.

### **County Board of Supervisors**

There are three new supervisors at the County. Mike Smart, Attica; Vanessa McCormick, Java, Sandy King, Pike.

### **Acceptance of Reports**

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

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

### **Purchase Francis Land – Water Storage Tank**

A motion was made by Lynne Metz and seconded by Vince Kirsch to authorize the Town Supervisor to complete the land purchase on behalf of the Town of Sheldon for land owned by Edwin Francis on Thomas Road, parcel #69.-1-12 for the siting of the water storage tank for the Varysburg Water District.

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

### **Ad in Pennysaver Varysburg Water District**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to approve the publishing of an ad in the Attica Pennysaver notifying water district residents of the approximately \$200 increase on their 2014 tax bill for the water project construction.

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 #416 to #421 for a Total of \$1,706.51, the

Highway Bills #218 to #218 for a Total of \$104.37, the

Trust & Agency Bills #58 to #59 for a Total of \$1,137.70 the

Varysburg Water District Bills #101 to #101 for a Total of \$184.70 and the Lighting District Bills for a Total of \$0 be paid.

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

### **Budget Transfers**

A motion was made by Brian Becker and seconded by Vince Kirsch to approve the following budget transfers and appropriations list:

#### **GENERAL FUND**

Transfer \$12.53 from A1220.2 Supervisor Equipment to A1220.4 Supervisor Contractual

Transfer \$1418.21 from A1640.4 Central Garage to A1355.4 Assessment Contractual

Transfer \$68.40 from A1640.4 Central Garage to A1670.4 Central Printing and Mailing-Contractual

Transfer \$115.67 from A1640.4 Central Garage to A3610.4 Examining Boards BAR Contractual

Transfer \$361.60 from A1640.4 Central Garage to A5010.4 Highway Admin Contractual

Transfer \$105.63 from A1640.4 Central Garage to A5182.4 Street Lighting Contractual

Transfer \$82.60 from A1640.4 Central Garage to A7510.4 Historian Contractual

Transfer \$121.14 from A1640.4 Central Garage to A8020.4 Planning Contractual

Transfer \$171.79 from A1640.4 Central Garage to A8160.4 Refuse & Garbage Contractual

Transfer \$561.00 from A1640.4 Central Garage to A9010.8 State Retirement

#### **HIGHWAY FUND**

Transfer \$20,000.00 from A9901.9 General Fund Money Market to DA5031 Highway Fund Money Market

Transfer \$75.66 from DA9055.8 Disability Ins. to DA9060.8 Hospital & Medical Ins.

Transfer \$53.89 from DA5148.4 Services for Other Gov'ts Contractual to DA9030.81 Medicare

Transfer \$266.60 from DA5148.4 Services for Other Gov'ts Contractual to DA9030.8 Social Security

Transfer \$124.05 from DA5140.4 Misc. Contractual to DA5142.4 Snow Removal Contractual

Transfer \$242.57 from DA5140.1 Machinery P/S to DA5130.1 Misc. P/S

Transfer \$2485.30 from DA5142.1 Snow Removal -P/S to DA5110.1 General Repairs P/S

Transfer \$34.99 from DA5140.1 Misc. -P/S to DA5110.1 General Repairs P/S

Transfer \$10.58 from DA5112.1 Permanent Improvements -P/S to DA5110.1 General Repairs P/S

Transfer \$5491.42 from DA909 Fund Balance Unreserved to DA5110.1 General Repairs P/S

Transfer \$4678.40 from DA5140.4 Misc. Contractual to DA5110.4 General Repairs Contractual

Transfer \$52875.89 from DA909 Fund Balance Unreserved to DA5110.4 General Repairs Contractual

Transfer \$7837.69 from DA909 Fund Balance Unreserved to DA5130.4 Machinery Contractual

### **VARYSBURG WATER DIST**

Transfer \$10202.11 from SW1-8310.4 Water Admin-Contractual to SW1-8320.4 Source of supply/power/pumping-Contractual

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

### **Planning Board Appointment**

A motion was made by Vince Kirsch and seconded by Lynne Metz to reappoint Wayne Abbott to the Town Planning Board with a term of 1/1/2014 - 12/31/2018.

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

### **Oaths of Office**

Justice Robert Jae administered the oath of office to Justice Fran Lefort, Councilman Mike Armbrust and Councilman Brian Becker.



## **Comments from the Floor**

### **Varysburg Water Meeting with Attica School District**

Attorney DiMatteo will set up a meeting with Attica School Superintendent, Bryce Thompson, Jeff Smith, Municipal Solutions and other parties regarding the Varysburg Water Project. The tentative meeting date is January 15, 2014 at 5:00 p.m.

### **Postage Increase**

The postage rate is going up in 2014. It is recommended that postage vouchers be submitted at the January meeting.

### **Adjournment**

A motion was made by Lynne Metz and seconded by Mike Armbrust to adjourn the December 28, 2013 meeting of the Sheldon Town Board.

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



