

**REGULAR MEETING
SHELDON TOWN BOARD
August 22, 2018**

The Regular Meeting of the Sheldon Town Board held August 22, 2018 at the Sheldon Historical School House was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch, Mike Armbrust, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Absent: David Ricketson, Highway Superintendent
A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the July 18, 2018 regular meeting be approved.

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

Communications

Carol Zittel, Town Clerk, reported on the following:

#21 Community Fun Day – August 26th

A motion was made by Joe Meyer and seconded by Vince Kirsch to approve pre-payment to the band Anastazja (\$300) and the painter Bobbie Phelps (\$200) for community fun day. The Town will be reimbursed by Invenergy.

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

#22 Zoning Board of Appeals Public Hearing

The Town Clerk announced the September 11th date for a public hearing for a variance request received from the Connors residence on Route 78 in the hamlet of Strykersville.

Reports

Financial Reports were presented for the month of July 2018 from the Town Supervisor, Town Clerk and the Town Justices. The Town Supervisor also distributed a cash flow report and payroll reports.

Highway Superintendent's Report

The Highway Superintendent was absent from the meeting. Supervisor Becker read the written report submitted by Dave Ricketson. The written report is copied below.

Oil & Stoning of Roads

The Dept. has been hot patching with blacktop getting ready to oil and stone (chip seal) Centerline Rd. from Route 77 to Maxon, Royce (all), Almeter Rd. from Humphrey to 98, Nancy, Valley View and Bloecher from Dutch Hollow to Erie County line.

Patching Roads

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The Dept. will be patching in other spots after oil & stone roads are ready: Bloecher Rd., south end of Maxon, Vogel Rd., Falls Rd. and Manley Rd.

Paving Minkel Rd.

Plan on paving Minkel Rd. from 78 east one mile to approximately the snowmobile crossing on September 10th and 11th. It will be a 2 lift application with a course layer going down on the 10th and a fine top on the 11th to be followed in 2019 with the rest of the way to Bartz Rd.

Equipment

No major breakdowns to report

Supervisor's Report

Supervisor Becker reported on the following:

Board of Supervisor's Meeting at the Fair

Supervisor Becker reported that the Board of Supervisor's meeting at the County fair was well attended.

Acceptance of Reports

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

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

Old Business

Varysburg Water – DASNY Grant Reimbursement

The Town has received a check for \$20,000.00 from the DASNY grant. The remaining receipts of \$30,000.00 will now be submitted for reimbursement.

Varysburg Water Pump House Renovation

Beechler Construction is ready to start the renovation of the pump house. They are on target to have it complete by September 30th.

Fund Balance Policy

A motion was made by Vince Kirsch and seconded by Jim Fontaine to table discussion of the proposed fund balance policy until the policy has been reviewed by the Town bookkeeper and Town Supervisor.

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

Strykersville Main Street Garden Property

Doug Hyman from 3D Concrete has the concrete forms ready. Doug Hyman is donating his labor and expertise. The Town will purchase the materials. Beaver Meadow received a grant for plants and shrubs.

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Varysburg Water Tank Inspection

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Clerk to contact Atlantic Testing and ask if there is anything the Town should be concerned with regarding the tank; whether there is anything recommended to lengthen the life of the tank and is there a recommendation to reduce sediment build up.

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

Zoning Complaint – Mills Property

Supervisor Becker reported that Mr. Mills met with our Town Attorney, David DiMatteo and that Mr. Mills has until September 24th to come into compliance.

Proposed Chemical Dependency Rehab Facility

Supervisor Becker reported the following

- The Town Planning Board deemed the application submitted by Mr. Parker and Mr. Herman as incomplete
- Since the application is deemed incomplete the Town Board has nothing to act on
- If the applicants re-submit an application that addresses all the issues then the Town Board would declare itself as lead agency
- A new public hearing would be scheduled
- Councilman Fontaine noted the lawyer's recommendation that a long form SEQR be submitted
- The matter will be off the Town Board's agenda until if/when a new application is submitted
- The Planning Board is sending the applicant a letter advising that the application is deemed incomplete

New Business

Frinks Corner Cemetery Maintenance

A motion was made by Jim Fontaine and seconded by Joe Meyer to approve Debra Marx as the new cemetery maintenance custodian for Frinks Corner Cemetery with a yearly compensation of \$200.00.

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

Second Prosecutor Night

The Town Justice Court has requested an additional prosecutor night due to town prosecutor nights that last 5-6 hours. This high volume also causes an over occupancy in the court room. The Town Attorney charges \$400 on prosecutor night. Supervisor Becker is requesting a per night fee of \$300 if the Town agrees to increase to two prosecutor nights per month.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to table discussion on an additional prosecutor night until Attorney David DiMatteo submits a proposal.

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

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Permission to Apply for Justice Court Grant

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Justices to apply for a 2019 Justice Court grant for court security items.

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

Creation of Water Laborer Position

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the creation of the position of water laborer at a pay rate of \$15.00 per hour.

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

Appointment of Anthony Dyrbala as Water Laborer

A motion was made by Jim Fontaine and seconded by Vince Kirsch to appoint Anthony Dyrbala as water laborer at a pay rate of \$15.00 per hour.

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

Appointment of Anthony Dyrbala as Water System Operator

A motion was made by Jim Fontaine and seconded by Vince Kirsch to appoint Anthony Dyrbala (AJ) as water system operator with an appointment date of 10/1/18 and a salary of \$2,745.00 per year with \$15 per hour for exceptional duties as outlined in the August 7, 2018 minutes from the Water Advisory Board meeting.

Ayes: (5) Becker, Kirsch, Fontaine, Armbrust, Meyer Nays: (0) Motion Carried.
(AJ will receive \$686.25 for the last quarter of 2018)

Budget Workshop

A motion was made by Mike Armbrust and seconded by Joe Meyer to set the date for the budget workshop for September 26, 2018 at 7:00 p.m. at the Sheldon Town Hall.

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

Bills

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

A motion was made by Joe Meyer and seconded by Vince Kirsch that the General Bills #222 to #269 for a Total of \$33,500.80, the Highway Bills #118 to #132 for a Total of \$18,347.81, the Trust & Agency Bills #24 to #26 for a Total of \$515.08, the Varysburg Water District Bills #48 to #58 for a Total of \$14,839.45 and the Lighting District Bills for a Total of \$825.00 be paid.

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

Comments from the Floor

Supervisor Becker opened the floor to comments.

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Rehab Facility – Sheldon Elementary School

The following discussion occurred regarding the application for a rehab facility in Varysburg:

- Dan Poland, resident from Varysburg presented a petition he circulated in Varysburg of residents against the proposed rehab facility. There were 111 people against the facility and five people refused to sign. Mr. Poland submitted the petition and signatures to the Town Clerk.
- Supervisor Becker explained that the planning board and zoning officer have a list of 12 concerns that were not addressed in the initial application
- Supervisor Becker explains that if a potential buyer of the school wants to turn the former elementary school into some sort of housing unit then that would constitute a change of use and a permit would need to be issued. A change in use has to come to the Town Board first.
- The Board does not know if the applicant will re-apply
- A long form SEQR will take some time to complete
- Mr. Poland informed the Board that he spoke with Mr. Rutowski and he is no longer interested in being a partner in this project
- Supervisor Becker replied that the town has not received any notification in writing
- Mr. Graham from Varysburg asked if the letter from Attorney Kurtzhaltz could be made public. The Town Clerk replied that she was told the letter is lawyer/client communication

Adjournment

A motion was made by Mike Armbrust and seconded by Jim Fontaine to adjourn the August 22, 2018 meeting of the Sheldon Town Board.

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