

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

The Regular Meeting of the Sheldon Town Board held August 21, 2019 at the Sheldon Historical Society, Main St., Strykersville, NY 14145 was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch, Joe Meyer, Mike Armbrust
Recording Secretary: Town Clerk Carol Zittel
Also present: Town Attorney, David DiMatteo; Zoning Officer, Alyssa Cutcliffe
Absent: Highway Superintendent David Ricketson

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 17, 2019 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, reported on the following:

Certification of Highway Mileage

A copy of the annual certification of highway mileage in the Town is on file in the Town Clerk's office. Each board member received a copy.

Charter Communications

The Town was informed that Charter Communications (Spectrum) has delayed expansion in Sheldon. The expansion is now slated for 2021.

Schofield Zoning Violation

The Board was updated on the Schofield Zoning Violation. The ZBA held their public hearing on 8/20/19.

Liquor License – Six Star Post

A motion was made by Mike Armbrust and seconded by Jim Fontaine to accept without objection the notice providing 30-day advance notice of the Six Star Post's liquor license renewal.

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

Assessor on September Agenda

The Town Assessor, Mary Kern, will be present at the September board meeting to give an update on the revaluation.

USDA Funding – Strykersville Seniors

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

Pete Pilc, President of the Strykersville Seniors, requested that the Town Clerk notify the Board of a USDA funding opportunity. Mr. Pilc asked that the Board be made aware of this funding if they are interested in purchasing the Sheldon Elementary School. The seniors are running out of room at their monthly luncheon location and have been exploring other places in the Town that could accommodate their group. The Town Clerk requested that Supervisor Becker contact Mr. Pilc as Mr. Pilc was not able to attend tonight's meeting.

Reports

Financial Reports were presented for the month of July 2019 from the Town Supervisor. The cash flow and payroll reports were also presented.

The Court and Town Clerk reports from July were left at the Town Hall so they will be submitted at the September meeting.

Highway Superintendent's Report

The Highway Superintendent was not present at tonight's meeting. He submitted a written report which is copied below:

Highway Monthly Report

7/18-7/19

Finished repairs to the grader

7/22

Pave for Pike – rain out – shop work

7/23

Finish pave for Pike

7/24

Repair wash outs from summer storm on Goose Hill, installed weeps in shoulder of road 250 ft., and paved bad section of road

7/25

Install 60 ft of 18' pipe at Perl Farm replacing old drive

7/29-7/31

Remove spoils pile from Neil Winch property that he allowed us to pile while cleaning the ditch by the Strykersville Fire Hall 2 years ago. Hauled to different dump sites.

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

8/1

Pave south end Humphrey Rd. (spots)

8/6-8/8

Pave for Village of Attica

8/12 – 8/13

Widen and stabilize shoulders on Maxon Rd. and South of Schwab Rd.

8/14-8/15

Pave for Eagle

8/19-8/22

Salt Building

Supervisor's Report

Supervisor Becker reported the following:

Cemetery Association

Supervisor Becker reported that the Strykersville Cemetery Association has set their pricing rates and will be able to accept requests for plots beginning August 26.

The Town Supervisor approved the uploading of cemetery contact information to the Town website.

Water Meters – Varysburg

On 6/20/19 water meters were installed at the two churches in Varysburg. The Friday after the meter was installed at the Valley Gospel Church a valve began leaking and resulted in several inches of water on the floor. Supervisor Becker noted that the issue is now in the hands of the insurance companies. AJ was able to shut the water off at the curb stop. Attorney David DiMatteo's opinion is that the Town does not have any liability in this matter.

Varysburg Water Advisory Board Meeting

The Varysburg Water Advisory Board will hold a meeting on August 29th at the Varysburg Fire Hall. At this meeting Supervisor Becker will review quotes received for the line expansion on School Street and Route 98. Supervisor Becker noted that even with grant funding the Water District would not have the funds to pay for the project. Supervisor Becker wants the Water District Board's input on whether to pursue the project and take on more debt.

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

Acceptance of Reports

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

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

Salt Storage Building

The contractor obtained building permits today. Town of Bennington loaned us their excavator for digging footers tomorrow. Councilman Kirsch asked the Supervisor to make the Highway Superintendent aware that fill materials for stabilization should be “neat.” Supervisor Becker expressed confidence that the building will be done by the contract deadline.

Hiring of Dan Spitzer – Solar Law

Supervisor Becker and the Town Clerk have a phone meeting scheduled with Dan Spitzer from Hodgson Russ.

Abandonment of Town Roads – Reisdorf Rd., School Street, Feuz Rd.

Attorney DiMatteo suggested that Reisdorf Rd. and School Street near the Varysburg Cemetery be abandoned. Town of Java has to be on board regarding Reisdorf Rd. Councilman Meyer asked the Town Clerk to look into when/if Feuz Rd. was abandoned.

Recusal of Supervisor Becker from Zoning Map Discussion

At 8:07 p.m. Supervisor Becker excused himself from the meeting and the following recusal letter was read aloud:

August 9, 2019

Town Board of the Town of Sheldon
c/o Carol Zittel, Clerk
1380 Centerline Road
Strykersville, New York 14145

**Re: Updates to Town Zoning Maps
Notice of Recuse**

Dear Town Board Members:

I, Brian Becker, Supervisor of the Town of Sheldon, hereby recuse myself from any and all actions associated with the updates to the Town Zoning Map. A parcel of property in consideration of a zoning change is owned by myself or a close family member and is therefore a conflict of interest. General Municipal Law, Section 890, states in pertinent and in part that “a change of zoning . . . shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

such municipality.”

During any point of a Town Board meeting that a motion is made to discuss the zoning map, I will leave my seat and move to the gallery or exit the room.

Very Truly Yours,

Brian Becker, Supervisor

Councilman Armbrust took over the meeting as Deputy Supervisor

Update of Zoning Map

Councilman Armbrust stated that the County Building & Codes Office and the Zoning Office do not like the layout of the proposed zoning law submitted by the Town Planning Board. In order to keep moving forward, the Town Board would like to update the Zoning Map with the changes that were already proposed for the map before the adoption of a new zoning law.

Alyssa Cutcliffe noted that she used the map that the planning board had already been working on and made the changes they requested while making use of the old map’s terminology and coloring. Councilman Kirsch asked if the map can be emailed in a pdf. Alyssa responded that she thinks she can zip it over to Carol.

Attorney DiMatteo noted that the Town has to go through SEQR, send it to the County Planning Board for their review and give it to the Town Planning Board for their review. After the Planning Board comments are received a public hearing can be set. Mr. DiMatteo suggested that the Town not eliminate trailer parks as was originally proposed.

Councilman Armbrust asked Alyssa if she would be at the next planning board meeting. Alyssa responded that she will be.

WHEREAS, the Town Board of the Town of Sheldon met at a regular board meeting at the Sheldon Historical Society located at 3859 Main Street in Strykersville, New York, on August 21, 2019, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	Becker - Recused
	Councilman	Kirsch
	Councilman	Fontaine
	Councilman	Armbrust
	Councilman	Meyer

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

Recused: Supervisor Becker

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 amending the “Town of Sheldon Zoning Map” as part of Article 4 “Zoning District Regulations” of the Zoning Law of the Town of Sheldon; and

WHEREAS, pursuant to General Municipal Law, §809, due to his personal association with the ownership of a parcel of land which may be rezoned through the amendment of the “Town of Sheldon Zoning Map”, the Town Board acknowledges that Supervisor Becker has recused himself from any and all actions in relation to the Zoning Map; and

WHEREAS, the Town Board has reviewed the criteria set forth in 6 NYCRR Part 617 and has determined the proposed adoption of said amendment of the Zoning Map as part of the Zoning Law is a Type I Action which is subject to review under SEQRA; and

WHEREAS, the Town Board of the Town of Sheldon has reviewed Part 1 of the Full Environmental Assessment Form (“FEAF”) which is attached hereto as Exhibit A; and

WHEREAS, the Town Board of the Town of Sheldon feels it is in the best interest of the Town of Sheldon to accept Part 1 of the FEAF and to authorize Councilman Mike Armbrust to sign and complete page 13 of the FEAF as the Project Contact; and

WHEREAS the Town Board has reviewed the proposed Zoning Map and feels it is in the best interest of the Town of Sheldon to refer the Zoning Map to the Town Planning Board for an advisory report at their next meeting to be held on September 11, 2019; and

WHEREAS, pursuant to §§239-1 and 239-m of the General Municipal Law, said Zoning Map and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Wyoming County Planning Board for their review and recommendations; and

WHEREAS, the Wyoming County Planning Board Zoning and Planning Action Referral Form is attached hereto as Exhibit B; and

WHEREAS, upon receipt of a favorable referral from the Wyoming County Planning Board and the Town of Sheldon Planning Board, the Town Board of the Town of Sheldon will reconvene to schedule a public hearing.

NOW ON MOTION OF Jim Fontaine which has been duly seconded by Vince Kirsch, now, therefore be it

RESOLVED, that the Town Board of the Town of Sheldon is considering amending the Zoning Map of the Town of Sheldon; and be it further

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

RESOLVED, that Supervisor Becker hereby recuses himself from any and all actions in relation to the Zoning Map due to his personal association with the ownership of a parcel of land which may be rezoned through the amendment of the “Town of Sheldon Zoning Map”; and be it further

RESOLVED, that the Town Board of the Town of Sheldon hereby accepts Part 1 of the FEAF and to authorizes Councilman Mike Armbrust to sign and complete page 13 of the FEAF as the Project Contact; and be it further

RESOLVED, that the Town Board shall hereby submit the proposed Zoning Map to the Planning Board of the Town of Sheldon for review at their next meeting to be held on September 11, 2019; and be it further

RESOLVED, that pursuant to §§239-1 and 239-m of the General Municipal Law, said Zoning Map shall be submitted to the Wyoming County Planning Board for their review and recommendations; and be it further

RESOLVED, that the Town Board of the Town of Sheldon hereby direct the Town Clerk to complete and submit the Wyoming County Planning Board Zoning and Planning Action Referral Form, attached hereto as Exhibit B, with a copy of the proposed Zoning Map, to the Wyoming County Planning Board by August 29, 2019 for their review and recommendations at the September 3, 2019, meeting; and be it further

RESOLVED, that upon receipt of a favorable referral from the Wyoming County Planning Board and the Town of Sheldon Planning Board, the Town Board of the Town of Sheldon will reconvene to schedule a public hearing.

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

Supervisor Becker returned to the meeting.

Williamson Law Accounting Software

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to sign the contract with Williamson Law for accounting software at a cost of \$987.00.

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

Snow and Ice Agreement

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Supervisor to sign the snow and ice agreement with Wyoming County.

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

Solar Law – Town Board Lead Agency

A motion was made by Vince Kirsch and seconded by Jim Fontaine to declare the Town Board as lead agency for the adoption of the solar law.

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

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

Air Conditioning at Historical Society

The Historical Society had to repair the air conditioning unit at the Schoolhouse. Cost was \$1,781.98.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to reimburse the Historical Society for the cost of \$1,781.98 for repairs of the air conditioning unit.

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

Budget Workshop

A motion was made by Joe Meyer and seconded by Mike Armbrust to set the date for the budget workshop for September 25, 2019 at 7:00 p.m. at the Town Hall.

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

Workplace Violence Training

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize a workplace violence prevention training and sexual harassment prevention seminar on August 28, 2019 at 3:00 p.m. Any employees that cannot attend will make arrangements to conduct the training at another time.

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

Bills:

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

Councilman Kirsch had a question regarding the \$6,000 bill to haul millings and will ask the Highway Superintendent about the bill at the next meeting.

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the General Bills #199 to #229 for a Total of \$21,083.72, the Highway Bills #118 to #132 for a Total of \$23,188.24, the Trust & Agency Bills #23 to #25 for a Total of \$525.28, the Varysburg Water District Bills #51 to #57 for a Total of \$561.24 and the Lighting District Bills for a Total of \$839.84 be paid.

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

Comments from the Floor

Supervisor Becker opened the floor to comments.

Varysburg Water – Weatherbee Issue

Eric Weatherbee contacted AJ Dyrbala and Supervisor Becker regarding low water pressure at his house. His plumber feels the problem isn't in the house. AJ would like to dig up at the curb stop to determine where the problem lies. Councilman Kirsch asked what our water law says about responsibility. Attorney DiMatteo said he will refer to the law when writing up the agreement with Mr. Weatherbee.

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**

Solar Project – ConnectGen

Henry Woltag from ConnectGen gave a quick update on the proposed solar project. An open house will be held at the Harris Corners Fire Department on August 22nd. ConnectGen plans to meet with state agencies on Friday. They also plan to submit their public involvement plan by October.

Adjournment

A motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the August 21, 2019 meeting of the Sheldon Town Board.

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

**REGULAR MEETING
SHELDON TOWN BOARD
August 21, 2019**