

**REGULAR MEETING  
SHELDON TOWN BOARD  
December 15, 2015**

The Regular Meeting of the Sheldon Town Board held December 15, 2015 at the Sheldon Town Hall was called to order by Town Supervisor John Knab at 7:00 p.m.

Present: Supervisor John Knab  
Councilmen: Vince Kirsch, Brian Becker, Mike Armbrust, Joe Meyer  
Recording Secretary: Town Clerk Carol Zittel  
Highway Superintendent David Ricketson

Also Present: Attorney DiMatteo arrived mid-meeting. 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 Mike Armbrust that the minutes from the November 17, 2015 regular meeting be approved.

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

**Communications**

The Town Clerk reported on the following:

**#40 Resignation – Justice Fran Lefort**

Justice Lefort submitted a letter of resignation to the Town Clerk effective December 31, 2015.

**#41 Resignation – George Knab**

Chairman of the Town of Sheldon Zoning Board of Appeals, George Knab, submitted a letter of resignation to the Town Clerk effective December 31, 2015.

**#42 Vacancies – Town Boards**

Supervisor Knab informed the Board that Jim Kirsch has asked to not be re-appointed to the Board of Assessment Review. Also, Don Corwin has passed away which has left another vacancy on the Board of Assessment Review and the Varysburg Water Board.

**#43 Six Star Post – Games of Chance License**

The Town Clerk processed the games of chance license (bell jar) for the Strykersville American Legion – Six Star Post.

A motion was made by Mike Armbrust and seconded by Joe Meyer to accept the games of chance license to Six Star Post, Strykersville American Legion, without objection.

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

**#44 Resolution - Local Transportation Funding**

On a motion made by Mike Armbrust and seconded by Joe Meyer, the Sheldon Town Board hereby passes the following local transportation funding resolution:

Whereas, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

Whereas, 85 percent of New York's roads and bridges are maintained by local governments; and

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Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and  
Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

Whereas, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

Whereas, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT; NOW THEREFORE BE IT

RESOLVED, that the Town of Sheldon calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and BE IT FURTHER

RESOLVED, that the Town of Sheldon calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and BE IT FURTHER

RESOLVED, that the Town of Sheldon calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

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

**#45 Local Transportation Resolution to Elected Officials**

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Town Clerk to forward the local transportation resolution to Governor Andrew Cuomo, Senator Patrick Gallivan and Assemblyman David DiPietro.

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

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**#46 Assessor Communication to Board**

The Town Clerk read an email from Assessor, Ken Pike regarding his upcoming holiday hours.

**Reports**

Financial Reports were presented for the month of November 2015 from the Town Supervisor, Town Clerk and the Town Justices. The Town Bookkeeper provided a fund balance report through November 30, 2015.

**Highway Superintendent's Report**

Sheldon Highway Superintendent David Ricketson reported on the following:

**Department Work**

Highway Supt. Ricketson reported that the Department is busy grading/graveling roads, working on shoulders and equipment maintenance.

**Supervisor's Report**

Supervisor Knab reported on the following:

**Final Revenue Payment from County**

The Town received \$1,681.38 from Wyoming County for the final 2015 revenue payment.

**Wyoming County Bills**

Wyoming County bills for the month of November 2015 were \$3,848,369.12.

**County Budget & Tax Override Passed**

The 2016 Wyoming County budget and the tax override law was passed.

**Ambulance Service**

Monroe Ambulance will put another ambulance at the Sheldon or Varysburg Fire Hall. Supervisor Knab stated that an additional ambulance was needed. Weekdays are especially challenging to get volunteers responders from the local departments.

**Varysburg Water Project**

There is a \$46,381.00 balance for the project. The hope is to use the overage to put in a 3 phase generator and new meters at the houses. Scott Mattison from Chatfield Engineers will send a letter to USDA to confirm that the money can be spent for these purposes.

**Acceptance of Reports**

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

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

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**Old Business**

**Town Hall Remodel**

There are still some issues that the contractors need to address. The Town Board authorized the payment to Attica Flooring but asked that the Bookkeeper hold the check until all work has been completed.

**Attica Medical Building – Presentation by John King**

Mr. John King, President of the Intercommunity Medical Building, Inc. in Attica, NY addressed the Board asking for authorization to sell the medical building. Mr. King gave an overview of the facility and stated that there was an urgent need for the medical building when it was formed due to the lack of medical offices in the area. Each participating Town (Attica, Darien, Bennington, Alexander, Sheldon, Bethany, Middlebury and Orangeville) contributed a small monetary fund to get the project started. Mr. King stated that currently the area is no longer underserved and therefore there is no need for the medical building. Mr. King and his board members feel it is in the best interest of the community to turn the facility back over to the private sector. Dr. Craddock, a local dentist has expressed an interest in purchasing the building. The Intercommunity Medical Building Board would like approval from the respective Towns to sell the building and return it to the private sector. After the sale of the building, it is expected that the Town will receive approximately \$36,600 from the sale.

**Authorization to Sell the Intercommunity Medical Building**

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the sale of the Intercommunity Medical Building in Attica, NY.

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

The Town Board thanked Mr. King and his Board members for their hard work and dedication.

**Authorization to Sign the Intercommunity Medical Building Agreement**

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the Town Supervisor to sign the Intercommunity Medical Building Participation Agreement.

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

\*\*This agreement will stay in effect until the building has been sold.

**Report from Auditor – Don Przybyl**

Mr. Donald Przybyl addressed the Board regarding his recent audit of the Town Supervisor's financial records. Mr. Przybyl retired from the NYS Comptroller's Office after 33 years of service. Mr. Przybyl informed the Board that the Supervisor's records were in great condition. He commented that Town Bookkeeper, Katie Chmura, does a great job. The bank statements all reconciled and everything tied together very good. Mr. Przybyl's written report was distributed to Board members and the Town Clerk will attach the letter to the official minute book.

**New Business**

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**Bio-Solids Law**

Attorney David DiMatteo addressed the Board regarding the adoption of a bio-solids law. Mr. DiMatteo stated that he is still waiting for a decision from the Judge in Wheatfield. The Wheatfield case was argued in July and a decision has to be made soon. Mr. DiMatteo noted that the Town of Sheldon will be named in the lawsuit if it passed the law. Mr. DiMatteo asked the Board to hold off for one more month and that at the Board's first meeting of 2016 he will have a SEQR prepared and the County referral paperwork completed. At that time, the Town Board can refer it back to the Town Planning Board for their review and then at the February Town Board meeting a public hearing can be scheduled.

**Date to Audit Town Books**

A motion was made by Vince Kirsch and seconded by Joe Meyer to set the date for the audit of the Town Clerk's, Town Supervisor, Tax Collector, Town Justices financial books.

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

**Old Office Furniture – Declared Surplus**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to declare the Supervisor and Bookkeeper's old office furniture, which is in disrepair, as surplus equipment and to dispose of them or give them away.

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

**Town Clerk's Antique Desk**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize that the antique roll top desk be given to the Sheldon Historical Society or to a family member of Elizabeth Kirsch Hyman's (Town Clerk in the 1940's). The desk was the personal property of Elizabeth Kirsch Hyman.

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

**2016 Mileage Rate**

The Board tabled the mileage rate until the County has announced the rate.

**Date for Year End Meeting**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to schedule the year-end meeting for December 30<sup>th</sup> at 7:00 p.m. at the Sheldon Town Hall.

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

**Budget Transfers**

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

\$300.00 from A1110.2 Municipal Court equipment to A1165.4 Prosecutor contractual  
\$422.91 from A1110.2 Municipal Court equipment to A1110.4 Municipal Court contractual  
\$148.32 from A1355.2 Assessment equipment to A1355.4 Assessment contractual  
\$133.37 from A1355.2 Assessment equipment to A1670.4 Central Printing/ mailing contractual

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\$80.91 from A1355.2 Assessment equipment to A5182.4 Street lighting contractual  
\$2.55 from DA9010.8 State Retirement to DA9050.8 Unemployment Insurance  
\$825.00 from DA9010.8 State Retirement to DA9060.8 Hospital & medical insurance  
\$775.17 from General Fund A391 Due from Other Funds to Lighting District SL (1-4)630 Due to Other funds (to be repaid in February 2016 using restricted assets and tax levy) needed for December 2015 NYSEG bills

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

**Bills**

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the General Bills #409 to #443 for a Total of \$19,386.59, the Highway Bills #189 to #202 for a Total of \$8,237.78, the Trust & Agency Bills #50 to #53 for a Total of \$1,795.61 the Varysburg Water District Bills #76 to #82 for a Total of \$1,332.94 the Capital Project Bills #29 for a Total of \$2,750.00 and the Lighting District Bills for a Total of \$913.72 be paid.

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

**Comments from the Floor**

At 7:55 p.m. the floor was opened to comments.

**Presentation by Resident Ray Kirsch**

Resident Ray Kirsch addressed the Board regarding the Town budget. Mr. Kirsch used [www.openbooknewyork.com](http://www.openbooknewyork.com) to gather information on the Town's budget historically. Copies of the paper report were distributed to Board members.

**Varysburg Water – Out of District Users**

**WHEREAS**, the Town Board of the Town of Sheldon met at a regular board meeting at the Town Offices located at 1380 Centerline Road, Strykersville, New York on the 15<sup>th</sup> day of December 2015, commencing at 7:30 p.m. at which time and place the following members were present: Supervisor John Knab, Council member Brian Becker, Council member Mike Armbrust, Council member Joe Meyer, Council member 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 has recently undergone significant improvements to its infrastructure and systems; and

**WHEREAS**, although the Varysburg Water District is primarily located in the Town of Sheldon, some improvements were extended into the Town of Orangeville to provide safe potable water for human consumption and fire protection to approximately six (6) property owners within the Town of Orangeville; and

**WHEREAS**, as these residents are tax payers and property owners in the Town of Orangeville, the Town Board of the Town of Sheldon and the Town Board of the Town of Orangeville believe it is necessary to enter into an agreement for the levy of capital improvement fees and debt service

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fees for the six (6) properties listed in the Inter-Municipal Agreement between the Towns of Sheldon and Orangeville; and

**WHEREAS**, a copy of said Agreement has been provided to the Town Board of Sheldon and the Town Board of Orangeville for review;

**WHEREAS**, the Town Board of the Town of Sheldon has reviewed the Agreement between the Town of Sheldon and the Town of Orangeville for Inclusion of Property Owners in the Varysburg Water District and finds it in the best interest of the Town to authorize the Town Supervisor, John Knab to execute said Agreement for the Town of Sheldon.

**NOW ON MOTION OF** Vince Kirsch which has been duly seconded by Joe Meyer, be it **RESOLVED**, the Town Board of the Town of Sheldon has reviewed the Agreement between the Town of Sheldon and the Town of Orangeville for Inclusion of Property Owners in the Varysburg Water District and finds it in the best interest of the Town to authorize the Town Supervisor, John Knab to execute said Agreement for the Town of Sheldon.

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

**Set Date – Oath’s of Office Meeting**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to set the date for the administering of oath’s of office to the newly elected Town officials for Saturday, January 2, 2016 at 1:00 p.m at the Sheldon Town Hall.

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

**Justice Vacancy**

Tax Collector, Donna Almeter, addressed the Board and expressed her interest in the vacant position of Town Justice.

**Executive Session**

At 9:00 p.m. a motion was made by John Knab and seconded by Mike Armbrust to enter into Executive Session to discuss highway contract negotiations. The Town Board invited councilman-elect Jim Fontaine, Highway Supt. David Ricketson and the highway employees to enter the executive session.

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

At 9:30 p.m. the highway employees left the meeting and the Town Clerk was invited into the Executive Session.

**Exit Executive Session**

At 10:00 p.m. a motion was made by Brian Becker and seconded by Mike Armbrust to exit the Executive Session.

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

**Adjournment**

At 10:01 p.m. a motion was made by Vince Kirsch and seconded by Brian Becker to adjourn the December 15, 2015 meeting of the Sheldon Town Board.

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