

**REGULAR MEETING  
SHELDON TOWN BOARD  
February 17, 2015**

The Regular Meeting of the Sheldon Town Board held February 17, 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: Brian Becker, Mike Armbrust, Joe Meyer  
Recording Secretary: Town Clerk Carol Zittel  
Attorney David DiMatteo, Highway Superintendent David Ricketson

Absent: Councilman Vince Kirsch

Also Present: A signed list of those 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 January 20, 2015 regular meeting be approved.

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

**Communications**

The Town Clerk reported on the following:

**#9 Liquor License Renewal Notifications**

The Town Clerk received liquor license renewal notifications from The Flip Side Bar & Grill, 3802 Main Street, Strykersville and the Route 78 Pub, 3974 Main Street, Strykersville.

A motion was made by Mike Armbrust and seconded by Joe Meyer to accept the license renewal notification forms from The Flip Side Bar & Grill, 3802 Main Street, Strykersville and the Route 78 Pub, 3974 Main Street, Strykersville.

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

**Reports**

Financial Reports were presented for the month of January 2015 from the Town Supervisor, Town Clerk and the Town Justices.

**Highway Superintendent's Report**

Sheldon Highway Superintendent David Ricketson reported on the following:

**Snow Plowing**

The Dept. has been busy plowing snow.

**2006 Peterbilt – Motor**

The motor on the 2006 Peterbilt blew up. The turbo went on the intake sucking parts into the motor. It is very expensive to fix. The truck had 110,000 miles on it. One quote was received from RH Maher: for a new motor the cost would be \$38,396.52; to rebuild the motor the cost would be \$26,409.25. Supt. Ricketson will get two more quotes for the next board meeting.

Councilman Becker recommended contacting Joe Glaus.

**Supervisor's Report**

**Grant Money – Varysburg Water District**

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Supervisor Knab contacted Senator Gallivan to ask for assistance in obtaining funding to complete more of the originally proposed plans for the Varysburg Water District. Bids received last month were higher than expected therefore the project had to be scaled back. Supervisor Knab was happy to report that Senator Gallivan was indeed able to obtain \$50,000 in funding for the project. With this additional funding the project will be able to cross the creek and continue another 400-500 feet towards Praller's mobile home park. Supervisor Knab stated that this section is one in the most need of repair.

**Bonds – Varysburg Water District**

Five Star Bank offered the best rate for the Varysburg Water bonds with 1.05%. On February 24<sup>th</sup> at the Warsaw Five Star location, Supervisor Knab and Town Clerk Carol Zittel have to sign the bank paperwork for the loan closing.

A motion was made by Joe Meyer and seconded by Brian Becker to authorize the Town Supervisor and Town Clerk to sign the BAN paperwork for the Varysburg Water District Project.

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

**Varysburg Water District Project**

A motion was made by Brian Becker and seconded by Joe Meyer to authorize the Town Supervisor to sign all contracts relating to the Varysburg Water District project.

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

**County Paving Projects – Perry Rd.**

Perry Rd. will not be paved this year. The projected cost for the Perry Rd. project was \$1.3 million. The County did not have enough funds to appropriate to the project this year.

**Town Highway Bills**

The sand & salt bill was \$15,386 this month. Fuel bill was \$6,500. There was also substantial highway overtime pay this month.

**Wyoming County Bills**

County bills for January 2015 were \$4,158,117.82.

**County Law – Public Assemblies**

A public hearing regarding a Public Assemblies Local Law was held at the County. This law would apply to any event expecting over 5,000 attendees such as Apple Umpkin, Jam in the Valley and the Wyoming County Fair. Campers will be regulated by NYS Dept. of Health. Fees have increased and must be paid 90 days in advance.

**Tax Payments Received**

Tax Collector, Donna Almeter, submitted the following tax checks to the Town: \$9,835 for the lighting districts, \$221,689.95 fire districts, \$28,000 Varysburg Water, \$1335.15 unpaid water bills.

**Acceptance of Reports**

A motion was made by Brian Becker and seconded by Joe Meyer to accept all reports as

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presented.

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

**Old Business**

**Public Hearing – Special Use Permit – Keith & Dania Wahl**

At 7:20 p.m. Supervisor Knab opened the public hearing for the special use permit request of Keith and Dania Wahl. A public notice was published in the Arcade Herald and posted on the Town website and bulletin board. As there were no questions or comments on the issue, the Town Board moved on with the meeting agenda.

**Presentation on Sludge by Town of Marilla Committee**

Committee members from the Marilla Citizens Committee addressed the Town Board with concerns about the Quesar Company and its intention to sell or give farmers low cost sludge to be used for manure in their farm operations. Present from the committee were: Marian Prezyna and Joe Barbarits. Ms. Prezyna and Mr. Barbarits addressed the board at length making the following points:

- Quesar has 2 digesters, one in West Seneca & one in Wheatfield
- Quesar has received 2 dozen violations in the last three years for spills, dangerous handling of materials.
- Up to 60% of material is comprised of water from waste water treatment plants which include human, industrial, hospital & medical wastes
- Amherst & Tonawanda have rescinded permits
- Quesar was pretty much run out of Ohio

In summary, the committee suggested that the Town of Sheldon enact a bio solids ordinance that contains heavy restrictions with rules and regulations on its spreading. Attorney DiMatteo suggested that if the Town is considering such an ordinance, they should get a copy of Marilla's. The Town Board was in agreement that the Town Planning Board should look into such an ordinance. The presentation on sludge ended at 7:55 p.m. The Marilla committee thanked the Board and departed the meeting.

**Special Use Permit – Wahl**

At 8:00 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to close the public hearing for the special use permit request of Keith and Dania Wahl.

A motion was made by Mike Armbrust and seconded by Joe Meyer to issue the special use permit to Keith and Dania Wahl, 1928 Route 20A, Varysburg, NY 14167 to operate a civic and social club at their residence with the stipulation that the permit be subjected to annual review upon the Zoning Officer's discretion and that no parking is permitted on Route 20A or in the fire lane/driveway which would restrict emergency vehicles.

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

**Town Hall Remodel**

The Town received a grant in the amount of \$24,500 from the Justice Court fund to renovate and add security enhancements to the Town Court room and Court offices.

A motion was made by Brian Becker and seconded by Joe Meyer to schedule a special meeting on Wednesday, February 25, 2015 at 6:00 p.m. at the Sheldon Town Hall with architect Heather Nemecek to review the Town Hall renovation plans.

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**Town Hall Generator**

Supervisor Knab distributed a quote from Key Power Systems Inc. for a Kohler generator, 48KW in the amount of \$17,855.00. This quote does not include labor. The Board decided to table talk on the generator until the special meeting on February 25th.

**New Business**

**Open Bids – Liquid Bituminous Materials**

The public notice advertising for liquid bituminous materials was published in the Arcade Herald and posted on the Town website and bulletin board.

The Town Clerk received two sealed bids for liquid bituminous materials. The Town Clerk opened the two bids at tonight's meeting. Bids were as follows:

Bidder	Bidder Address	Amount
Midland Asphalt Materials Inc.	640 Young Street Tonawanda, NY 14150	See Bid Documents
Suit Kote Corporation	505 Como Park Blvd. Buffalo, NY 14227	See Bid Documents

Highway Supt. Dave Ricketson left the meeting to review the two bids received. When Supt. Ricketson returned to the meeting, he recommended that the Town award the surface treating and crack sealing to Suit Kote and the Type 3 full depth recycling to both Suit Kote and Midland Asphalt.

A motion was made by Brian Becker and seconded by Mike Armbrust to award the bid for surface treating and crack sealing materials to Suit Kote Corporation and to award the bid for type 3 full depth recycling to Suit Kote Corporation and Midland Asphalt Materials Inc. and to permit the Highway Dept. to use either company in the event one is not available.

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

**Open Bids – Fuel**

No fuel bids were received. The Town Clerk and Highway Superintendent were surprised by this, since Tony from Reisdorf, had previously stated he would be sending a bid.

A motion was made by Mike Armbrust and seconded by Brian Becker to authorize the Town Highway Superintendent to re-advertise for bids for diesel fuel and gasoline and to set the bid opening date for March 17, 2015 at 7:30 p.m.

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

**Board of Assessment Review Appointment**

Last month the Town Board appointed Dan Henneberger to a one year term to the Board of Assessment Review. After the meeting, it was determined that this should have been a five year appointment.

A motion was made by Joe Meyer and seconded by Mike Armbrust to appoint Dan Henneberger

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to a five year term to the Board of Assessment Review with a term of 1/20/2015-09/30/2019.  
Ayes: (4) Knab, Becker, Armbrust, Meyer Nays: (0) Absent: Kirsch (1) Motion Carried.

**Arts Grant**

The Town received a \$1,500 grant from the Arts Council for Wyoming County to host “a Music on Main Street” event during the Strykersville Yard Sale weekend.

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Supervisor to sign the Arts Council for Wyoming County grant contract.

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

**Varysburg Water – Public Hearing – Second Water Project**

**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**, due to the age and deteriorating condition of many of the Varysburg Water District's facilities, including the age and condition of the existing supply and distribution line, water *projects* have been proposed to upgrade the system; and

**WHEREAS**, a previous project was approved in 2013 to upgrade the facilities and lines, that would only provide service to Stony Brook Creek, not continuing further beyond the creek crossing, due to cost limitations; and

**WHEREAS**, a second water project has been proposed to add distance in line beyond Stony Brook Creek, this part will continue under the creek crossing and East on 20 A for a period; and

**WHEREAS**, the second water project which will service the remainder of the Varysburg water District including the Stony Brook Creek Crossing, a portion of 20 A East excluding School Street and will cost \$70,000; and

**WHEREAS**, it is the understanding of the Town Board that this portion of the project shall virtually be a zero dollar project for the Town due to the fact that \$50,000 will be from the receipt of a New York State Grant and \$20,000 will be utilized from the Water District Fund to meet the \$70,000 cost requirement; 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 further it is believed that this will be a zero dollar project for the Town of Sheldon; 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 17, 2015 at 7:30 p.m.

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

**BE IT RESOLVED**, that the Town Board of the Town of Sheldon hereby authorizes the Supervisor to cause to be published 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.

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

**Membership – Wyoming County Water Resource Agency**

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A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Town's membership with the Wyoming County Water Resource Agency at a \$100.00 annual fee.

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

**Justice Court Grant**

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the use of the Justice Court grant funding in the amount of \$24,350.00 for the court room and court office upgrades, renovations and security enhancements.

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

**Budget Transfer**

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the transfer of \$30,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for February 2015 bills and payrolls.

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

**Bills:**

A list of the 2015 payments to the Fire Districts and Fire Protection Districts was distributed. Varysburg Fire District \$9,844.26, Benn-Sheldon Fire Protection District \$28,249.00, Harris Corners Ambulance \$970.00, Java Fire Protection District \$6,312.36, Sheldon Fire Protection \$106,120.80, Strykersville Fire Protection District \$35,211.12, Varysburg Fire Protection District \$34,982.41.

Supervisor Knab confirmed that the Board had a chance to review the bills. A motion was made by Mike Armbrust and seconded by Joe Meyer that the

General Bills #38 to #70 for a Total of \$5,495.33, the  
Highway Bills #17 to #35 for a Total of \$38,263.51, the  
Trust & Agency Bills #3 to #7 for a Total of \$3,022.65 the  
Varysburg Water District Bills #8 to #14 for a Total of \$29,285.18 the  
Capital Project Bills #3 to #6 for a Total of \$97,493.00 and the  
Lighting District Bills for a Total of \$865.78 be paid.

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

**Open Floor to Comments**

At 8:30 p.m. Supervisor Knab opened the floor to comments. There were no comments from the floor.

**Executive Session**

At 8:35 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to enter into Executive Session to discuss a highway personnel issue. Attorney DiMatteo and Highway Superintendent Ricketson were invited into the Executive Session. The Town Clerk excused herself from the meeting.

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

**Exit Executive Session**

At 9:00 p.m. a motion was made by John Knab and seconded by Brian Becker to exit from Executive Session.

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

**Adjournment**

At 9:00 p.m. a motion was made by John Knab and seconded by Brian Becker to adjourn the February 17, 2015 meeting of the Sheldon Town Board.

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