

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

The Regular Meeting of the Sheldon Town Board held February 21, 2018 at the Sheldon Town Hall was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Mike Armbrust, Jim Fontaine
Councilman Joe Meyer arrived at 7:55 p.m.
Absent: Councilman Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
Also Present: Hwy. Supt. David Ricketson, Mark Meyerhofer, Director of Government Affairs of WNY for Charter Communications

Minutes

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the minutes from the January 17, 2018 regular meeting and the January 31, 2018 audit meeting be approved.

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

Communications

Town Clerk, Carol Zittel reported on the following:

#5 NYSTCA Conference

A motion was made by Mike Armbrust and seconded by Jim Fontaine to approve the Town Clerk's attendance at the NYS Town Clerk's Association Conference in Albany April 22-25, 2018.

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

#6 Fire Company Reports

The Town Clerk received financial reports and lists of officers from the Sheldon Fire Company and the Strykersville Fire Company.

#7 Change in January Abstracts – General Fund

General fund voucher #16 was voided. New York State is now paying for the court software resulting in a savings of \$1,140.00. The general abstract total changed from \$22,431.87 to \$21,291.87.

#8 Attica School Request to Use Town Hall

A motion was made by Jim Fontaine and seconded by Mike Armbrust to approve Attica School District's request to use the town hall on May 15, 2018 from 1:00 p.m. to 9:00 p.m. for the purpose of holding the school budget vote.

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

Reports

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

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

(per NYS Comptroller audit request – this report will be distributed each month), an energy use report and payroll reports.

Highway Superintendent's Report

Highway Supt. Ricketson reported on the following:

Salt Storage Building

Preliminary number to replace the salt building is \$278,000.00 based on similar concrete pad, similar frame and same type of coverall. Eagle Silo has sent some literature on ways to fix the existing building. The salt building is currently 50x80 with a potential to add 40 ft.

Old Creek Rd.

The bank at the Tonawanda Creek on Old Creek Rd. behind Praller's Trailer Park is caving out and starting to get into our road. We will lose the road eventually. Councilman Armbrust asks what will happen if we make the road a dead-end. Supt. Ricketson responds that he thinks that is what we will have to do. Greg McKurth from Wyoming County Soil & Water looked at the issue last year and said he will look at it again. Supt. Ricketson stated that he will keep it open as long as possible – could be 10 years or could be next week. Jersey barriers will be placed along the edge making it a one lane road. Supt. Ricketson will contact Senator Gallivan's office to see if they can help.

Supervisor's Report

Supervisor Becker reported on the following:

County Bills

Wyoming County bills for January 2018 were \$3,562,153.04.

Board of Supervisors Resolution – Internet Sales

The Board of Supervisors passed a resolution urging Governor Cuomo to change the laws on internet sales so that all sales are charged taxes. Currently, if a company has a brick and mortar building in New York State then taxes must be paid on an online purchase. If no building in the State then no taxes are charged.

Councilman Meyer arrives at 7:55 p.m.

Sales Tax Revenue

County sales tax revenue is up by \$1,054,592.70 or 6%.

Certificates of Deposit

Supervisor Becker will get quotes on CD rates for a deposit of \$200,000.00 for 3 months and \$500,000.00 for 6 months.

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

Court Reports

Supervisor Becker reviewed the Justice's reports and noted that New York State and Wyoming County collect over 60% of revenue that passes through Sheldon court.

Cash Flow Analysis Report

Supervisor Becker noted that the cash flow analysis report will be distributed each month per the NYS Comptroller's recommendation in their audit report.

Acceptance of Reports

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

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

Old Business

Varysburg Water District

Supervisor Becker and the Varysburg Water District Advisory Board will meet on February 24, 2018 at 1:00 p.m. at the Varysburg Fire Hall to discuss water district plans and projects for 2018.

Open Public Hearing – Time Warner/Charter Communications Contract

At 8:00 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing on the Time Warner franchise renewal contract.

There was a short discussion between the Board and Mr. Meyerhofer. The Board asked if the contract could be switched to a 10 year contract instead of 15. Mr. Meyerhofer advised that he will make the change and send a revised contract to the Town Clerk.

Motion to Close Public Hearing - Time Warner/Charter Communications Contract

At 8:20 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to close the public hearing on the Time Warner franchise renewal contract.

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

Motion to Request a 10 Year Contract from Time Warner

A motion was made by Mike Armbrust and seconded by Joe Meyer to request a revised contract/franchise agreement that reflects a 10-year contract instead of a 15-year contract with Time Warner/Spectrum Cable.

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

Open Public Hearing – Proposed Local Law 2-2018 – Opting out of Certain Energy System Real Property Tax Exemptions

At 8:20 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing on Local Law 2-2018 Energy System Exemptions.

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

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

Councilman Fontaine stated his opposition to the proposed law stating that there should be an incentive for property owners to install renewable energy systems. The Board continued on with the regular meeting and left the public hearing open.

Senior Citizen Groups – March Agenda

Representatives from the Town's two senior citizen groups will attend the March meeting with a brief report.

NYS Comptroller Audit

The NYS Comptroller's office sent the Town their official copy of their audit findings. Each board member received a copy and the official copy is filed in the Town Clerk's office. The Town has responded to the Comptroller's request for a corrective action plan and that corrective action plan is part of the audit findings report.

New Fund Balance Policy

The NYS Comptroller's office recommended the Town enact a new fund balance policy. Supervisor Becker recommends that the Town request Drescher & Malecki to draft this new policy.

A motion was made by Jim Fontaine and seconded by Mike Armbrust to request that Drescher & Malecki LLP write a new fund balance policy to satisfy the NYS Comptroller's recommendation.

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

Varysburg Water Board Meeting

Supervisor Becker has arranged a meeting with the Varysburg Water Advisory Board for Saturday, February 24, 2018 at 1:00 p.m. at the Varysburg Fire Hall.

New Business

Standard Work Day & Reporting Resolution

A motion was made by Jim Fontaine and seconded by Joe Meyer to establish standard work days for the Town Clerk (Carol Zittel) and Bookkeeper (Katie Chmura) and to report the officials to the New York State and Local Retirement System based on their record of activities:

Town Clerk, Standard Work Day 6 Hrs, Current Term: 1/1/16-12/31/19, Record of Activities: 14.22

Bookkeeper, Standard Work Day 6 Hrs, Current Term:1/1/18-12/31/18, Record of Activities: 10.88

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

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

Appointment of Meaghan McGinnis – Town Prosecutor

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, DiMatteo & Roach Attorneys at Law serves as Prosecutor for the Town of Sheldon, specifically Attorney David M. DiMatteo and Attorney David M. Roach; and

WHEREAS, the Law Office has added a new Attorney to their Staff, Meaghan L. McGinnis and the Town Board of the Town of Sheldon wishes to approve her appointment as Prosecutor also on behalf of DiMatteo & Roach Attorneys at Law and the Town; and

WHEREAS, David M. DiMatteo and David M. Roach have assured the Board that they are confident in the abilities and skills of Meaghan L. McGinnis to serve as Prosecutor on behalf of DiMatteo & Roach Attorneys at Law and the Town; and

WHEREAS, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to approve the appointment of Meaghan L. McGinnis Esq. as prosecutor on behalf of DiMatteo & Roach Attorneys at Law and the Town; and

NOW ON MOTION OF Joe Meyer, which has been duly seconded by Mike Armbrust, 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 approve the appointment of Meaghan L. McGinnis Esq. as prosecutor on behalf of DiMatteo & Roach Attorneys at Law and the Town

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

Wyoming County Sheriff Contract – Court Security

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Supervisor to sign the contract with the Wyoming County Sheriff's Office for 2018 court security.

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

Advertise for Landscaping Services

A motion was made by Mike Armbrust and seconded by Jim Fontaine to advertise for landscaping services in the Batavia Daily legal ad section.

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

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

Boy Scouts Assistance at Historical Society

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Historical Society to utilize the local Boy Scouts for various projects at the schoolhouse.

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

Close Public Hearing - Proposed Local Law 2-2018 – Opting out of Certain Energy System Real Property Tax Exemptions

At 8:40 p.m. a motion was made by Joe Meyer and seconded by Jim Fontaine to close the public hearing for proposed Local Law 2-2018 entitled “Opting out of Certain Energy System Real Property Tax Exemptions.”

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

Motion to Not Adopt Proposed Local Law 2-2018

A motion was made by Jim Fontaine and seconded by Mike Armbrust to not proceed with adoption of proposed Local Law 2-2018 which would have opted out of certain energy system real property tax exemptions in the Town of Sheldon.

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

Sale of 2006 Peterbilt

The highest bid the 2006 Peterbilt received on the online auction site, Teitsworth, was \$28,000.00. The Superintendent rejected the bid because it did not meet our reserve.

Sale of Highway Pickup

Superintendent Ricketson reported that he did not list the pickup truck on Teitsworth’s auction site because he believes that it will garner a better price at a live spring auction.

Bills:

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

A motion was made by Jim Fontaine and seconded by Joe Meyer that the

General Bills #23 to #51 for a Total of \$14,373.40, the

Highway Bills #15 to #34 for a Total of \$32,527.78, the

Trust & Agency Bills #5 to #7 for a Total of \$511.08, the

Varysburg Water District Bills #5 to #8 for a Total of \$355.23, the

Harris Corners/Bennington/Sheldon Fire Protection contract payment #1 for a Total of \$29,977.80, the

Strykersville Fire/Harris Ambulance contract payment #2 for a Total of \$1,010.00, the

Java Fire Protection District contract payment #3 for a Total of \$8,182.60, the

Sheldon Fire Protection District contract payment #4 for a Total of \$112,616.24, the

Strykersville Fire Protection contract payment #5 for a Total of \$36,814.27, and the

Lighting District Bills for a Total of \$924.81 be paid.

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

**REGULAR MEETING
SHELDON TOWN BOARD
February 21, 2018**

Comments from the Floor

There were no comments from the floor. The only resident in attendance was Mary Kehl. Ms. Kehl left the meeting before the executive session was called.

Executive Session

At 8:45 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to enter into Executive Session with the Highway Superintendent Ricketson to discuss the potential sale of Town property. The Town Clerk was also invited into the Executive Session.

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

Exit Executive Session

At 8:55 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to exit Executive Session with the Highway Superintendent.

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

Executive Session

At 9:00 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to enter into Executive Session to discuss court personnel matters with Town Justices Paul Romesser and Laura Kirsch. The Town Clerk was excused.

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

Exit Executive Session

At 9:50 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to exit Executive Session with the Town Justices. The Town Clerk was invited back to the meeting.

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

Adjournment

At 9:52 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to adjourn the February 21, 2018 meeting of the Sheldon Town Board.

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