

**REGULAR MEETING  
SHELDON TOWN BOARD  
January 21, 2014**

The Regular Meeting of the Sheldon Town Board held January 21, 2014 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:30 p.m.

Present: Supervisor John Knab  
Councilpersons: Vince Kirsch, Brian Becker, Mike Armbrust, Lynne Metz  
Recording Secretary: Town Clerk Carol Zittel  
Not Present: Attorney David DiMatteo

Also Present: 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 Vince Kirsch that the minutes from the December 17, 2013 regular meeting, the December 28, 2013 year end meeting, the January 14, 2014 audit meeting and the January 15, 2014 Varysburg Water meeting be approved.

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

**Communications**

The Town Clerk reported on the following:

**#1 Association of Towns Annual Conference**

Association of Towns Annual Conference will be held February 16-19<sup>th</sup> in New York City. Eleven resolutions that the Association is submitting for consideration were distributed to the Town Board members.

**#2 Fire Department Reports** Received list of officers and financial report from Harris Corners Fire Dept. Also received a list of officers from Varysburg and Sheldon fire departments.

**#3 Land Use Decision Making Training Program**

Notice was given of 4 workshops at Monroe Community College sponsored by the Monroe County Dept. of Planning & Development

**#4 Liquor License**

Notice received from the Six Star Post American Legion to apply for an on-premises alcoholic beverage license.

A motion was made by Mike Armbrust and seconded by Brian Becker to accept without objection the application for an on-premises alcoholic beverage license from the Six Star Post, Strykersville, NY.

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

**#5 Planning Board Advertisement**

Per a request of the Town Planning Board:

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the publication of a notice in the East Aurora and Attica Pennysavers notifying residents of the intent to revise

the Town of Sheldon Comprehensive Plan.

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

### **Energy Plan**

Supervisor Knab informed the Board that he would like to add a comprehensive energy plan to the Town comprehensive plan. He will get a copy of sample energy plan from Art Buckley, Wyoming County Director of Planning, and forward to the Town Board members and Planning Board members.

### **Reports**

Financial Reports were presented for the month of December 2013 from the Town Supervisor, Town Clerk and the Town Justices. The Town Clerk also distributed her 2013 annual financial report.

### **Fund Balance Report**

The Town of Sheldon fund balance report complete through December 31, 2013 was distributed to the Town Board members.

### **Highway Superintendent's Report**

Highway Superintendent Ricketson reported on the following:

#### **Sand & Salt**

The Dept. has been busy plowing and mixing sand and salt.

#### **2002 Peterbilt**

The 2002 Pete was brought to Maher's after going into a ditch on Manley Rd. The truck then needed realignment.

#### **High Lift**

The high lift is having transmission issues. The lift is fifteen years old.

### **Albany Advocacy Day**

March 5<sup>th</sup> is Highway Superintendent advocacy day in Albany.

A motion was made by Lynne Metz and seconded by Mike Armbrust to authorize the Highway Superintendent and the Deputy Highway Superintendent to attend advocacy day in Albany on March 5, 2014.

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

Councilman Armbrust commended the Town Highway Dept. for their hard work this winter.

### **Projected 2014 Highway Work**

Supervisor stated that he feels it is important for the Town to keep up the funding for road work and repairs stressing that it is more cost effective to do so now rather than later. The entire Board agreed.

A list of projected major highway work schedule for 2014 was distributed to Board members.

It listed the following: pave Humphrey Rd. 1 mile (cont. from 2013) to Centerline Rd. with 2.5

inches of 3ts binder. Add shoulder material. Total job estimate \$112,931. True and level Sunset, Bambi, Marie, Woodland and Brookledge Rds. Seal and oil the following: Sunset, Bambi, Marie, Woodland, Brookledge, Humphrey from Schwab to Almeter, Bartz from CR9 to Minkel, Bloecher from CR35 to Erie Co. line, all of North Sheldon, Nancy Rd., Lefort Rd., Thomas Rd., Centerline from Humphrey to Maxon, Almeter Rd. 11.94 miles @ approx. \$15,000 per mile = \$178,586. Prepare Valley View for paving in 2015.

### **Need for New Truck and High Lift**

Hwy. Supt. Ricketson stated that the 2002 Peterbilt will need to be replaced soon. He also stated that the Dept. could use a new high lift. The Town Board discussed scaling back on the proposed town hall addition to allow funding for a new truck and/or high lift. Hwy. Supt. Ricketson further stated that if he had to choose one purchase for 2014 he would keep the truck and get a loader/high lift. Councilman Becker asked Supt. Ricketson to get prices for the truck and high lift.

**Supervisor Report** – Supervisor John Knab reported on the following:

### **Snow Check**

A second snow check was received from the County in the amount of \$19,239.00.

### **Creek Revitalization Grants**

The Town was notified that the creek revitalization grant applications for the Maillet and Parton properties were accepted and are eligible for grants. The third revitalization grant application has not been approved. Supervisor Knab asked the Board for their approval to use Wyoming County Soil & Water Agency for engineering services. The Board gave their approval.

### **Cross Bow Hunting**

The Wyoming County Board of Supervisors passed a resolution in support of cross bow hunting in Wyoming County.

### **Supervisor Knab Appointments**

Supervisor Knab has been appointed to the Intercounty Association of WNY. Supervisor Knab has also been appointed to the Wyoming County Soil & Water Agency Board of Directors and the Board of Community Action.

### **Wyoming County Bills**

Wyoming County bills for the month of December 2013 \$1,859,021.97

### **Opposition to Henrietta Casino**

The Wyoming County Board of Supervisors passed a resolution in opposition to a casino opening in Henrietta, NY.

### **Acceptance of Reports**

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

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

## **Old Business**

### **Organizational Meeting – Salaries & Appointments 2014**

A motion was made by Mike Armbrust and seconded by Brian Becker to set the salaries for Town Officials both elected and appointed as stated in the 2014 Budget as adopted:

Town Board \$2,606.67 each, Supervisor \$9,274.39, Town Clerk \$17,751.66, Supt. Of Highways \$49,193.83, Justices (2) \$9,548.10 each, Tax Collector \$2,864.43, Assessor \$18,390.00, Carol Zittel as Registrar of Vital Statistics \$300, Carol Zittel as Records Management Officer (no salary), Gertrude Hyman as Deputy Town Clerk & Deputy Registrar at \$12.50/hr, Katie Chmura as Bookkeeper \$20,227.14, Barb Durfee as Town Historian \$798.25, Laurie Dillon as Court Clerk \$21,421.84, Katie Chmura as on-call Court Clerk at \$12.50 per hour, Ken Martin as Zoning Officer \$4,304.37, Edward Logel as Deputy Zoning Officer/Secretary to Zoning/Planning \$2,121.80, Carolyn Mruzek as Dog Enumerator (\$1.50 per dog, plus mileage), John Bonner as Water Rents Receiver \$1,200, Wayne Durfee & Chris Jones as Water Meter Reader \$2,400 (\$1,200 each), Water District Exceptional Duties \$10.00 per hour, Joyce Griffen as cleaner \$8.75 per hour, Lydia Kehl as Youth Director \$1,352.39, Ann Daniel as Secretary to Planning Board, Zoning Board of Appeals & Board of Assessment Review at \$12.00 per hour

All the afore mentioned terms of office for appointed positions, will carry over to the Organizational Meeting, if said meeting is held after December 31<sup>st</sup> of the year in which the term expires.

The per diem salary for the Planning Board is \$30, Zoning Board of Appeals is \$25 and for the Board of Assessment Review the per diem is \$60.

The 2014 annual salary for cemetery maintenance is \$200.

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

### **Authorization to Attend Trainings**

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize all appointed and elected officials to attend, at town expense, applicable trainings in 2014.

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

### **Varysburg Water District Board Appointments**

A motion was made by Brian Becker and seconded by Mike Armbrust to appoint the following to the Varysburg Water District Board for 2 year terms 1/1/2014-12/31/2015:

Wayne Durfee, Donald Corwin, Ronald Wert, Howard Petrie, Darwin Almeter

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

### **Deputy Supervisor and Deputy Highway Supt.**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to appoint Lynne Metz as Deputy Supervisor and Kevin Amedick as Deputy Highway Superintendent.

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

### **Depository Banks**

A motion was made by Lynne Metz and seconded by Brian Becker to name as depository bank, the Five Star Bank and the Bank of Castile for General, Highway, Trust & Agency Varysburg Water District, Capital Fund, Unemployment Insurance Reserve Fund and Lighting Districts.  
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz    Nays: (0)    Motion Carried.

### **Town Attorney Appointment**

A motion was made by Vince Kirsch and seconded by Brian Becker to appoint David DiMatteo as the Town Attorney on an as needed basis, and to pay him a \$140.00 hourly rate.  
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Metz    Nays: (0)    Motion Carried.

### **Town Boards**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to appoint the following to designated Boards and positions for the terms listed after each name:

Zoning Board of Appeals: Barb Logel 5 year term 01/01/14-12/31/2018

Varysburg Park Committee: Dave Thornton 5 year term 01/01/14-12/31/2018

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

### **2014 Board Meetings**

A motion was made by Lynne Metz and seconded by Vince Kirsch that the Regular Board Meeting be the third Tuesday of the month at 7:00 PM.

Except for the following: the April meeting will be held on April 22, 2014 at 7:00 pm at the Sheldon Town Hall, the May 20, 2014 meeting will be held at the Sheldon Elementary School in Varysburg at 1:00PM; the August meeting will be held on August 19, 2014 at 7:00 pm at the Sheldon Historical Society.

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

### **Highway Supt. Purchases**

A motion was made by Vince Kirsch and seconded by Brian Becker that the Highway Superintendent is authorized to spend an amount not exceeding \$3,000 on the repair and maintenance of an individual piece of inventoried town equipment, without the Boards prior approval.

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

### **Highway Supt. Purchases**

A motion was made by Lynne Metz and seconded by Vince Kirsch that the Highway Supt. is authorized to purchase, without the Town Boards prior approval, small tools in an amount not to exceed \$1,000 per purchase. Any purchase of an individual piece of equipment in excess of \$2,000 shall be deemed a capital purchase, all of which shall be subject to Town Board approval.

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

### **Procurement Policy**

A motion was made by Mike Armbrust and seconded by Brian Becker that the Town Board adopt the same Procurement Policy as was used in 2013 for the year 2014.

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

### **Investment Policy**

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the Town Board adopt the same Investment Policy that was used in 2013 for the year 2014.

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

### **Fund Balance Policy**

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the Town Board adopt the same Fund Balance Policy that was used in 2013 for the year 2014.

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

### **Official Newspaper**

A motion was made by Lynne Metz and seconded by Brian Becker to designate the Arcade Herald as the Official Newspaper for 2014.

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

### **Board Committees**

A motion was made by Lynne Metz and seconded by Vince Kirsch to appoint the following committees: Street Lighting: Mike Armbrust & Brian Becker; Building: Mike Armbrust, Lynne Metz, Vince Kirsch; Labor: Vince Kirsch & Brian Becker; Highway: Entire Board Planning/Zoning: Lynne Metz; Park Committee: John Knab; Assessment Committee: Vince Kirsch & Brian Becker

### **Town Hall Addition**

A motion was made by Brian Becker and seconded by Mike Armbrust to continue the research into building an addition to the Town Hall and to schedule a workshop session on February 12, 2014 at 6:00 p.m.

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

Councilman Armbrust thanked Councilman Kirsch for the time he has spent drawing up plans for the addition stating that the Board previously authorized Councilman Kirsch to submit a bill for his services.

### **New Business:**

#### **Publication of 2014 Town Officials Information**

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Clerk to publish the 2014 officials and contact info in the East Aurora and Attica Pennysavers.

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

#### **Appointment of Town Engineer**

A motion was made by Vince Kirsch and seconded by Mike Armbrust to appoint Chatfield Engineers P.C. as the Town's engineer in 2014.

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

#### **Assessor's Office Hours**

Ken Pike informed Supervisor Knab that he would like to change his hours from Wednesday evening. Mr. Pike would prefer Monday. The Town Board opposed switching to Monday due

to the congestion in the parking lot during court days. The Town Board asked that the Assessor keep the Wednesday night hours or switch to an evening other than Monday. Supervisor Knab will inform Mr. Pike.

### **Disaster/Emergency Plan**

Supervisor Knab asked that the Town Board review the current emergency plan on file for the Town of Sheldon and make any corrections, suggestions after review.

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

### **Proposed Adoption of Town Policies**

The Town Supervisor distributed sample copies of computer policies, sexual harassment policies and credit card use policies for the Town Board's review.

A motion was made by Brian Becker and seconded by Vince Kirsch to table discussion of the policies until the Board members could review them.

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

### **Public Hearing – Local Law Varysburg Water Rules & Regulations**

**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 21st day of January 2014, commencing at 7:30 p.m. at which time and place the following members were:

**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 of Sheldon is considering a proposed local law that will update the water rates of the Varysburg Water District in order to continue to provide wholesome water at affordable and cost effective rates; and

**WHEREAS**, the need for this local law is to meet the increase needs of the district due to an improvement project for said district and prevent this water district from falling into arrears and operating with a deficit; and

**WHEREAS**, the Town Board of the Town of Sheldon finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

**NOW ON MOTION OF COUNCILMAN BRIAN BECKER** which has been duly seconded by **COUNCILWOMAN LYNNE METZ**, be it

**RESOLVED**, by the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 18<sup>th</sup> day of February 2014 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

### **Public Hearing – Local Law Varysburg Water Rates**

**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 21st day of January 2014, commencing at 7:30 p.m. at which time and place the following members were:

**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 of Sheldon is considering a proposed local law that will update the water rates of the Varysburg Water District in order to continue to provide wholesome water at affordable and cost effective rates; and

**WHEREAS**, the need for this local law is to meet the increase needs of the district due to an improvement project for said district and prevent this water district from falling into arrears and operating with a deficit; and

**WHEREAS**, the Town Board of the Town of Sheldon finds it in the best interest of the Town to hold a

public hearing to consider the adoption of said local law.

**NOW ON MOTION OF COUNCILMAN BRIAN BECKER** which has been duly seconded by **COUNCILWOMAN LYNNE METZ**, be it

**RESOLVED**, by the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 18<sup>th</sup> day of February 2014 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

### **Fund Appropriations and Corrections**

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize and approve the following appropriations and corrections:

#### **HIGHWAY FUND**

##### **TRANSFERS**

Transfer \$60,000.00 from General Fund Money Market - A9901.9 (Transfer to other funds) to Highway Money Market- DA5031 Interfund transfer - for Jan. bills & payroll

Transfer \$6464.42 from DA5110.1 General Repairs P/S to DA5142.1 Snow Removal P/S (for Dec 2014)

##### **CORRECTIONS**

Written as: Transfer \$5491.42 from DA909 Fund Balance Unreserved to DA5110.1 General Repairs P/S

Correction: Transfer \$5531.42 from DA599 Appropriated Fund Balance to DA5110.1 General Repairs P/S

Written as: \$52875.89 from DA909 Fund Balance Unreserved to DA5110.4 General Repairs Contractual

Correction: \$52697.89 from DA599 Appropriated Fund Balance to DA5110.4 General Repairs Contractual

Written as: Transfer \$7837.69 from DA909 Fund Balance Unreserved to DA5130.4 Machinery Contractual

Correction: Transfer \$7837.69 from DA599 Appropriated Fund Balance to DA5130.4 Machinery Contractual

Written as: Transfer \$5491.42 from DA909 Fund Balance Unreserved to DA5110.1 General Repairs P/S

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Correction: \$52697.89 from DA599 Appropriated Fund Balance to DA5110.4 General Repairs Contractual

Written as: Transfer \$7837.69 from DA909 Fund Balance Unreserved to DA5130.4 Machinery Contractual

Correction: Transfer \$7837.69 from DA599 Appropriated Fund Balance to DA5130.4 Machinery Contractual

#### **VARYSBURG WATER DIST**

##### **CORRECTIONS**

Written as: Transfer \$10202.11 from SW1-8310.4 Water Admin-Contractual to SW1-8320.4 Source of supply/power/pumping-Contractual

Correction: Transfer \$10202.11 from SW1-8320.4 Source of supply/power/pumping-Contractual to SW1-8310.4 Water Admin-Contractual

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

### **Bills:**

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

A motion was made by Lynne Metz and seconded by Vince Kirsch that the

General Bills #1 to #35 for a Total of \$22,779.32, the

Highway Bills #1 to #22 for a Total of \$33,205.47, the

Trust & Agency Bills #1 to #3 for a Total of \$1,234.08 the

Varysburg Water District Bills #1 to #8 for a Total of \$2,129.23 and the

Lighting District Bills for a Total of \$861.96 be paid.

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

### **Resignation of Justice Robert Jae - Justice Training**

Supervisor Knab stated that the person appointed to fill the Justice vacancy will need to attend the March 31-April 5, 2014 Justice training in Albany.

### **Blizzard Conditions – Closing of Town Roads**

Highway Supt. Ricketson addressed the Board regarding problems occurring during the recent blizzard. Due to the road closures in neighboring jurisdictions, traffic patterns changed resulting in tractor trailers ending up on Town roads. When Route 20A becomes blocked off then vehicles end up being rerouted onto Centerline Rd.

### **Authorization to Issue a Travel Ban**

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor or in the case of the Town Supervisor's absence, the Deputy Town Supervisor, or in the case of both the Town Supervisor and Deputy Town Supervisor's absence, the Town Highway Superintendent, to issue a travel ban on Town of Sheldon roads when the road conditions and/or weather conditions warrant.

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

### **Comments from the Floor**

At 9:10 p.m. Supervisor Knab opened the floor to comments.

### **Recycling of Surplus Computers/Office Equipment**

The Town Clerk asked the Town Board for authorization to recycle the Town Clerk's old computer which was purchased in 2001 and the NYS DEC computer and accessories which are now outdated. The DEC sent the Town Clerk notification that the State does not want the computer or accessories returned but asked that the Town recycle the items in a responsible manner. The Town Clerk will be utilizing an old court computer for hunting license sales.

### **Recycling of Surplus Equipment**

A motion was made by Vince Kirsch and seconded by Lynne Metz to authorize the recycling of the Town's old computers, computer and technology accessories and filing cabinets currently stored in the storage room at the Town hall.

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

### **Adjournment**

A motion was made by Lynne Metz and seconded by Brian Becker to adjourn the January 21, 2014 meeting of the Sheldon Town Board.

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