

**REGULAR MEETING
SHELDON TOWN BOARD
July 20, 2016**

The Regular Meeting of the Sheldon Town Board held July 20, 2016 at the Sheldon Town Hall 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
Absent: Highway Supt. David Ricketson
Also Present: Attorney David DiMatteo. A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Jim Fontaine and seconded by Joe Meyer that the minutes from the June 15, 2016 regular meeting and the June 29, 2016 Special Meeting be approved.

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

Communications

Town Clerk Carol Zittel reported on the following:

#21 Change in June Vouchers

There was an error in calculating the interest on the Varysburg Water USDA loan payment. An additional \$130.63 was required. The Board was advised that voucher #34 was added to the Varysburg Water bills making the total for June 2016 Varysburg Water bills \$1,251.28.

#22 Merger Charter Communications & Time Warner

The Town was notified that the merger between Charter Communications & Time Warner is complete. The new name will be Charter Communications Inc. The Town Attorney was asked if this would help to have broadband expanded in the Town. The Town Attorney responded that our best hope was that Empire Access will keep expanding in the area.

#23 Boys & Girls Club of Holland

Brian Tavernier, Executive Director, of the Boys & Girls Club of Holland, requested to attend the August 17, 2016 meeting to make a short presentation on the organization. The Town Board authorized the Town Clerk to contact Mr. Tavernier and invite him to the August 17th meeting.

#24 Zoning Law Addendum

The Town Clerk distributed Addendum 4 of the Town Zoning Law to the Board. The Planning Board went through the addendum and made suggestions on changing some requirements for special use permits. Supervisor Becker noted that this item is listed on tonight's agenda and will be discussed in more detail later in the meeting.

Reports

Financial Reports were presented for the month of June 2016 from the Town Supervisor, Town Clerk and the Town Justice.

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Highway Superintendent's Report

Highway Superintendent Dave Ricketson was absent from tonight's meeting. The Hwy. Department has been busy paving roads. Supervisor Becker reported that all paving will be complete tomorrow, July 21st. Supervisor Becker also reported that the Town highway department borrowed trucks from neighboring Town's and will have to pay back the favor starting next Monday.

Supervisor's Report

County Bills

County bills were \$1,820,294.18.

Town Lawn Mower

The Town lawn mower, which was damaged by fire, was sold and picked up last week.

Acceptance of Reports

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

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

Old Business

Varysburg Water District Generator

Supervisor Becker reported that they are still waiting for National Fuel to hook up the lines to the generator.

Review Varysburg Water Pump House Bids

The Town received only one bid for the repair of the Varysburg Water pump house from Brier Hill Construction, d/b/a 77 Construction, 1716 Alleghany Rd., Attica, NY 14011.

Rejection of Bid – Varysburg Water Pump House

A motion was made by Mike Armbrust and seconded by Vince Kirsch to reject the one and only bid received for renovations to the Varysburg pump house and to not disclose the bid amount.

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

Asbestos Sampling of Varysburg Pumphouse Building

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor to hire a company to perform asbestos testing on the Varysburg Water pump house shingles and materials.

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

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Update on Funding from Senator Gallivan

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Supervisor to send a letter to Senator Patrick Gallivan requesting funding for new water meters and renovation of the Varysburg pump house.

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

Resealing Brick on Town Building

Two quotes were received for re-sealing the brick on the Town building. One was from Highland Masonry Restoration, Inc., 33 Ransier Drive, West Seneca, NY 14224 in the amount of \$4,700. The other bid was from King Brothers Construction, LLC, 1745 Welch Road, North Java, NY 14113 in the amount of \$4,250.00.

A motion was made by Joe Meyer and seconded by Vince Kirsch to hire King Brothers Construction, LLC, 1745 Welch Road, North Java, NY 14113 to seal the brick on the Town Hall at a cost of \$4,250.00 and to also authorize an additional \$1,000.00 for time and maintenance for any deficiencies in the mortar or brick, with the stipulation that the Town Supervisor must be notified and give approval to use this additional \$1,000.00.

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

Comprehensive Plan

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 updates to the Town's Comprehensive Plan, drafted by the Town Planning Board; and

WHEREAS, the proposed updates include updating the names of the current and past Board Members as well as providing for updates to the Town's infrastructure, resources and community based plans for development and protection of agricultural and residential lands; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Brian Becker, Supervisor- Town of Sheldon;

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2. David Ricketson, Highway Superintendent- Town of Sheldon;
3. Town of Sheldon Planning Board;
4. Town of Sheldon Zoning Board of Appeals;
5. Wyoming County Planning Board;
6. State Office of Historic Parks & Preservation;
7. New York State Department of Transportation;
8. New York State Department of Agriculture and Markets;
9. New York State Department of Environmental Conservation, Buffalo and Albany; and
10. Town of Attica
11. Town of Orangeville
12. Town of Bennington
13. Town of Java
14. Town of Holland
15. Town of Wales

NOW ON MOTION OF Mike Armbrust which has been duly seconded by **Joe Meyer**, now therefore, be it

RESOLVED, by the Town Board of the Town of Sheldon that the Comprehensive Plan update being considered by the Town Board, in its current form, can be used to begin review under the State Environmental Quality Review Act, also known as SEQRA and the Town Board shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Brian Becker, Supervisor- Town of Sheldon;
2. David Ricketson, Highway Superintendent- Town of Sheldon;
3. Town of Sheldon Planning Board;
4. Town of Sheldon Zoning Board of Appeals;
5. Wyoming County Planning Board;
6. State Office of Historic Parks & Preservation;
7. New York State Department of Transportation;
8. New York State Department of Agriculture and Markets;
9. New York State Department of Environmental Conservation, Buffalo and Albany; and
10. Town of Attica
11. Town of Orangeville
12. Town of Bennington
13. Town of Java
14. Town of Holland
15. Town of Wales

RESOLVED, to seek lead agency for the proposed application review.

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

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Attorney DiMatteo will handle the notification to municipalities and agencies listed in the resolution relating to the initial review, under SEQR, of the 2016 update to the Town's comprehensive plan.

Open Public Hearing – Local Law 1-2016 – Adopting Water Rates – Varysburg Water

Supervisor Becker opened the public hearing on Local Law 1-2016 at 8:15 p.m. The legal ad notice was published in the June 30, 2016 Arcade Herald.

Don and Holly Gasiewicz, residents of the Varysburg Water District were in attendance at the meeting. They were very unhappy with a recent letter they received which notified them that they would be billed for two EDU's instead of one. They were insistent that they only have a single family house with one family living in the house. This is contrary to what the Varysburg Water committee determined when they went house by house determining EDU's for each residence. The Gasiewicz's also voiced many complaints about the servicing of the Water district, specifically against the water meter reader. They also reported that they have a water leak that has been ongoing. Supervisor Becker responded that he will look at the leak tomorrow at 8:00 a.m. Supervisor Becker stated that he will bring their issue (number of EDU's) to the Water Advisory Board for their opinion.

Land Donation from William Streicher

Attorney DiMatteo will hire the surveyor with the lowest bid to survey the gift of land from William Streicher.

BAN for Paving Projects

A motion was made by Mike Armbrust and seconded by Vince Kirsch to table the resolution on the BAN (bond anticipation note) for paving projects until the Highway Superintendent gets a final cost projection on all 2016 paving.

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

New Business

Court Grant Money – Authorization to Pay Buffalo Office Interiors

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the pre-payment to Buffalo Office Interiors for (3) three fire safe filing cabinets utilizing the remaining court grant money.

Ayes: (5) Becker, Fontaine, Kirsch, Meyer, Armbrust Nays: (0) Motion Carried.
The check will be held until the cabinets are delivered.

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Advertise Dog Enumeration

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Clerk to advertise the dog enumeration in the East Aurora and Attica Pennysavers.

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

Fund Transfer

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize the transfer \$100,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for July bills and payroll.

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

Amend Varysburg Water District Budget for Purchase of Generator

A motion was made by Jim Fontaine and seconded by Joe Meyer to amend the budget for Varysburg Water District to pay for the new generator by transferring \$23,055.00 from SW1-909 unexpended fund balance to SW1-8320.2 Source of Supply/Power-Equipment.

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

Fund Transfer

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the transfer of \$5,000.00 from A1910.4 Unallocated Insurance to A1420.4 Law – Contractual.

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

Public Hearing – Strykersville Fire Company

A motion was made by Joe Meyer and seconded by Mike Armbrust to schedule a public hearing at 7:30 p.m. on August 17, 2016 at the Sheldon Historical Society, 3859 Main Street, Strykersville, to review the contract with the Strykersville Fire Company for fire services within the Town.

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

Town Zoning Law - Addendum 4

Attorney DiMatteo recommended that the Town Zoning Board of Appeals rule on any changes proposed to Addendum 4. He recommended that the Town Planning Board review the proposed changes again at their August 10th meeting and then forward them on to the Town Clerk. The Clerk will then notify the Board of Appeals and schedule a public hearing.

Close Public Hearing - Local Law 1-2016 – Adopting Water Rates – Varysburg Water

At 8:55 p.m. a motion was made by Mike Armbrust and seconded by Jim Fontaine to close the public hearing on Local Law 1-2016 – Adopting Water Rates.

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

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Adoption of Local Law 1-2016 – Adopting Water Rates

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, a Notice of Public Hearing was duly published in the Town's official newspaper and said public hearing was held on July 20, 2016 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, that the Town Board of the Town of Sheldon feels it is in the best interests of the Town of Sheldon to adopt said law.

NOW ON MOTION OF Mike Armbrust, which has been duly seconded by **Jim Fontaine**, 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 adopt Local Law No. 1 of 2016 entitled, Adopting Water Rates.” and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

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

Bills:

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

A motion was made by Joe Meyer and seconded by Mike Armbrust that the

General Bills #181 to #211 for a Total of \$39,234.14, the

Highway Bills #100 to #113 for a Total of \$163,974.30, the

Trust & Agency Bills #25 to #31 for a Total of \$3,165.06, the

Special Grants Bills #4 for a Total of \$3,128.99, the

Varysburg Water District Bills #35 to #39 for a Total of \$25,234.74 and the

Lighting District Bills for a Total of \$668.96 be paid.

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

Adjournment

At 9:10 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the July 20, 2016 regular meeting of the Sheldon Town Board.

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