

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

The Regular Meeting of the Sheldon Town Board held July 19, 2017 at the Sheldon Town Hall was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Joe Meyer, Mike Armbrust, Jim Fontaine, Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Supt. David Ricketson
A signed list of those present is on file in the Town Clerk's office.

Minutes

A motion was made by Vince Kirsch and seconded by Jim Fontaine that the minutes from the June 21, 2017 regular meeting be approved.
Ayes: (5) Becker, Fontaine, Meyer, Armbrust, Kirsch Nays: (0) Motion Carried.

Communications

Town Clerk Carol Zittel reported on the following:

#20 Six Star Post Liquor License Renewal

A motion was made by Mike Armbrust and seconded by Joe Meyer to accept without objection the NYS liquor license renewal notification from Six Star Post in Strykersville.
Ayes: (5) Becker, Fontaine, Meyer, Armbrust, Kirsch Nays: (0) Motion Carried.

Financial Reports

Financial Reports were presented for the month of June 2017 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Highway Supt. Ricketson reported on the following:

Loader

The loader is in – just waiting on the bucket to arrive. It should be here by the 21st.

Signage Request for Bartz Rd.

Regarding the request for a sign on Bartz Rd.: Wyoming County Highway Superintendent Todd Gadd, requested an accident report from the Sheriff's office. He has not received the report as of yet.

Department Work

The Highway Dept. has been busy leveling roads preparing them for oil and stone. The various towns in Wyoming County share services to complete sealing roads across the County.

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

Flooding

There was substantial flooding throughout the County on July 13th. The Town has very little damage to report. The Town fared very well compared to other communities.

Marie Drive

Councilman Armbrust advised Supt. Ricketson that there may be a drainage issue on Marie Dr. The shoulder may need to be cut back. Supt. Ricketson will handle.

Pickup Truck

Supt. Ricketson stated that there are no deals right now and nothing to piggyback off of for a new pickup truck. Councilman Meyer asked if he obtained pricing on value of his current truck. Supt. Ricketson said he had not.

Shoulder on Factory Rd.

Councilman Kirsch advised Supt. Ricketson of an issue with the side of the shoulder on Factory Road near Lefort Rd. Supt. Ricketson advised that it was a County pipe and a County problem.

Factory Road Stop Sign Over Growth

Councilman Kirsch advised Supt. Ricketson of a stop sign at the end of Factory Road that is being blocked from overgrowth. Supt. Ricketson responded that the mower has had issues and needs to be repaired by Corfu Machine. Councilman Kirsch advised that this was high growth that would not require a mower. Councilman Kirsch also recommended that the weeds around the buildings need to be cleared. Supt. Ricketson responded that the Dept. will need to purchase a weed wacker.

Supervisor's Report

Supervisor Becker reported on the following:

Local Law – Pay as you Go Cell Phones

The County passed a local law which requires a County tax be levied on pay as you go cell phone carriers. Currently, these pay as you go phones were not paying the tax.

Amendment to Local Law – Firearms in County Buildings

The Board of Supervisors tabled discussion until September regarding amending the law prohibiting firearms in County buildings.

Praller's Variance – Zoning Board of Appeals

Owner, Joe Praller requested to split the trailer park parcel from the store parcel. The Town Zoning Board of Appeals granted the variance and the Town Planning Board granted the land separation.

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

Frinks Corners Cemetery Maintenance

Bill Brainard has declined the offer to take over maintenance of the cemetery. The Town Clerk will look into funding options available for cemetery maintenance.

Acceptance of Reports

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

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

Old Business

Resolution to Approve – Varysburg Fire District Extension

WHEREAS, Town Law §170(2) authorizes the town boards of one or more towns acting jointly by a majority vote of the members of each of such boards may extend a fire district in such towns outside of any incorporated village or city or existing fire, fire alarm or fire protection district therein, after a public hearing thereon provided all of the territory in such fire district shall be contiguous, and

WHEREAS, the Town Boards of the Towns of Bennington, Orangeville and Sheldon, conducted a joint public hearing on July 10, 2017 for the purpose of extending the Varysburg Fire District into the area currently constituting the area of the Varysburg Fire Protection District, embracing certain territory within the Towns of Orangeville, Sheldon and Bennington as such territory is more fully described in a resolution adopted on the 18th day of June, 1961 establishing such Varysburg Fire Protection District, hereby jointly find, determine and adopt the following Resolutions and Order:

RESOLVED, that the Town Board of the Town of Sheldon determine and find that the notices of joint public hearing for the purpose of extending the Varysburg Fire District have been properly published and posted, and it is further

RESOLVED, that such joint public hearing was duly held, and it is further

RESOLVED, that the Towns have complied with the provisions of the State Environmental Quality Review Act, and have duly issued their joint Negative Declaration, and it is further

RESOLVED, that all property and owners in the proposed district extension are benefited, and it is further

RESOLVED, that all benefited property and owners are located within the proposed extended district, and it is further

RESOLVED, that the Varysburg Fire District extension is in the public interest, and it is further

RESOLVED, that, pursuant to Town Law §170(2), a majority of the Board of Fire Commissioners of the Varysburg Fire District have consented to the extension of the Varysburg Fire District, which consent has been duly filed in the Offices of the Clerks of the Towns of Bennington, Orangeville and Sheldon and a copy has been attached to these Resolutions, and it is further

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

RESOLVED, that the extension of the Varysburg Fire District into the area currently constituting the area of the Varysburg Fire Protection District, embracing certain territory within the Towns of Orangeville, Sheldon and Bennington as such territory is more fully described in a resolution adopted on the 18th day of June, 1961 establishing such Varysburg Fire Protection District is hereby approved, and it is further

RESOLVED, that such extension of the Varysburg Fire District shall be contingent upon and effective immediately on the dissolution of the Varysburg Fire Protection District, and it is further

RESOLVED, that the Clerks of the Towns of Bennington, Orangeville and Sheldon are hereby authorized and directed and shall cause to be recorded a certified copy of these resolutions extending the Varysburg Fire District with the Wyoming County Clerk within ten (10) days hereof and that when so recorded it shall be presumptive evidence of the regularity and validity of the extension of the Varysburg Fire District and of the acts of the Towns related thereto, and the Towns' Clerks are further authorized and directed and shall cause to be filed a certified copy of these resolutions extending the Varysburg Fire District with the office of the State Comptroller department of audit and control in Albany, New York within ten (10) days of the dissolution of the Varysburg Fire Protection District, and it is further

SO ORDERED,

For the Sheldon Town Board, Board Member Vince Kirsch moved, and Board Member Joe Meyer seconded, and the Town Board voted as follows:

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

Resolution – Scheduling Public Hearing & Advertising of Such

WHEREAS, pursuant to General Municipal Law §773 the Town Board of the Town of Sheldon (“Town Board”), as the governing body of the Varysburg Fire Protection District, a local government entity pursuant to General Municipal Law §750, may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

WHEREAS, the Town Board is considering the dissolution of the existing Varysburg Fire Protection District (“Fire Protection District”) and the extension of the Varysburg Fire District may be in the public interest; and

WHEREAS, the Town Board, as the governing body of the Fire Protection District, has received and considered a Proposed Dissolution Plan for the Varysburg Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law, a copy of which Proposed Dissolution Plan is attached to these Resolutions as Exhibit 1; NOW THEREFORE, it is hereby

RESOLVED, that no later than five business days after adoption of these Resolutions, a copy of the Proposed Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the Varysburg Fire Protection District; and it is further

RESOLVED, that the Proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Varysburg Fire Protection District where a

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

copy thereof may be examined, shall be displayed on the website maintained by the Town of Sheldon; and it is further

RESOLVED, that a descriptive summary of the Proposed Dissolution Plan and a reference to the public place or places within the Varysburg Fire Protection District where a copy of the Proposed Dissolution Plan may be examined, be published at least once each week for four successive weeks in a newspaper having a general circulation within the Varysburg Fire Protection District; and it is further

RESOLVED, that the Town Board of the Town of Sheldon shall convene and conduct a meeting and joint public hearing with the Town Boards of the Towns of Bennington and Orangeville on September 11, 2017 at 7:00 p.m. at the Varysburg Fire Station, 2446 Route 20A, Varysburg, New York 14167 for the purpose of considering the of the Proposed Dissolution Plan of the Varysburg Fire Protection District, which public hearing shall be at least 35 days and not more than 90 days after commencement of dissolution proceedings pursuant to GML 774, and that notice thereof shall be given by the Town Clerk as required by law.

Board Member Vince Kirsch moved, and Board Member Joe Meyer seconded, and the Town Board voted as follows:

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

Open Public Hearing – Local Law 2-2017 – Solar Energy

At 8:10 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for proposed Local Law 2-2017 Regulating Solar Energy.

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

Schedule Public Hearing – Windy Brew

A motion was made by Vince Kirsch and seconded by Jim Fontaine to schedule a public hearing at 8:00 p.m. on September 20, 2017 at the Sheldon Town Hall to hear input regarding the special use permit request of Bill and Michelle Snyder, to operate the brewery, Windy Brew.

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

Varysburg Water District – Senator Gallivan Funding

Supervisor Becker reported no new updates on the funding. As far as we are aware, the funding application is making its way through Albany.

Alternate Planning Board Member

Supervisor Becker has not heard back from a possible candidate for the position.

Special Meeting with Don Roberts and Mike Hardie

The July 18, 2017 special meeting that had been previously scheduled had to be cancelled due to scheduling conflicts.

A motion was made by Joe Meyer and seconded by Mike Armbrust to schedule a special meeting at 6:00 p.m. on July 25, 2017 at the Sheldon Town Hall for the purposes of meeting with

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

Don Roberts from Wyoming County Building & Codes and Mike Hardie of Tompkins Insurance.

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

Varysburg Park Rest Room Renovation

Councilman Kirsch distributed a set of specifications and drawings to distribute to contractors for the renovation of the town park restrooms. The Town Clerk was asked to distribute to the Town park committee for their review and input. The Town Clerk will advertise in the East Aurora and Attica Pennysavers as well as the legal ad section of the Batavia Daily. The Board will contact the following local contractors: Fran George, Kerwin Construction, Steve Beechler, Tom Dominesey and Mike George.

A motion was made by Jim Fontaine and seconded by Joe Meyer to advertise the specifications for the town park bathroom renovation and to open the bids at the August 23, 2017 regular board meeting.

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

Bio Solids – Human Waste Law

Attorney Deanne Siemer has been assisting the Town planning board with developing the law. Ms. Siemer will work with Town attorney, David Roach to develop a law that will decrease the Town's risk. Ms. Siemer noted that she will convey to Mr. Roach that the town should not be billed for their discussions. Supervisor Becker expressed his hope that the Town will not be billed.

New Business

Wyoming County IDA Use of Hall

A motion was made Mike Armbrust and seconded by Vince Kirsch to authorize the Wyoming County IDA to use the Town hall on August 3, 2017 at 3:00 p.m. for a public hearing regarding a Shur-Gain/Nutreco project.

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

Attica School District Use of Hall

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Attica School District to use the Town hall for a school board meeting on November 9, 2017 at 7:00 p.m.

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

Court Security Agreement

The Town received a new contract from the Wyoming County Sheriff's Department for court security. The Board had a few concerns regarding the pay scale. Supervisor Becker will reach out to the Sheriff's department to see if those rates can be negotiated.

Amend Budget – DA2665

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

A motion was made by Vince Kirsch and seconded by Jim Fontaine to amend the budget to increase revenue budget line DA2665 Sale of Equipment to reflect the sale of the Caterpillar hi-lift in the amount of \$185,212.00.

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

Amend Budget – DA5130.2

A motion was made by Mike Armbrust and seconded by Joe Meyer to amend the budget to increase expenditure budget line DA5130.2 Equipment in order to purchase a new 2017 Hyundai hi lift from George & Swede in the amount of \$185,000.00.

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

Close Public Hearing – Solar Law

At 8:50 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to close the public hearing for proposed Local Law 2-2017 regulating solar energy.

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

Referral of Solar Law to County Planning Board

The Town Board noted that the Town Planning Board needs to send the revised version of the solar law to the County Planning Board for their review. The Planning Board also needs to complete a short form SEQR. Once both of these are done and the County Planning Board responds, the Town Board will then decide if they will adopt the law.

Bottled Water Purchasing

Councilman Fontaine asked if the bill from Crystal Rock in the amount of \$137 is a monthly bill. Supervisor Becker will reach out to Crystal Rock regarding the town hall bottled water bills.

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

Sunset Drive Property Complaints

The Town has received multiple complaints regarding the upkeep of a property on Sunset Drive. Supervisor Becker asked that these complaints be referred to the Wyoming County Department of Fire & Building Codes.

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

Bills:

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

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the

General Bills #162 to #192 for a Total of \$11,305.70, the

Highway Bills #100 to #111 for a Total of \$116,804.92, the

Trust & Agency Bills #20 to #22 for a Total of \$535.97, the

Varysburg Water District Bills #28 to #33 for a Total of \$856.67, and the

Lighting District Bills for a Total of \$745.79 be paid.

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

**REGULAR MEETING
SHELDON TOWN BOARD
July 19, 2017**

Adjournment

At 9:00 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the July 19, 2017 meeting of the Sheldon Town Board.

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