

**REGULAR MEETING
SHELDON TOWN BOARD
June 17, 2014**

The Regular Meeting of the Sheldon Town Board held June 17, 2014 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:00 p.m.

Present: Supervisor John Knab
Councilmen: Vince Kirsch, Brian Becker, Mike Armbrust, Jim Fontaine
Recording Secretary: Town Clerk Carol Zittel
Highway Superintendent David Ricketson

Not present: Attorney David DiMatteo
Also Present: Arcade Herald reporter Brianna Naughton, Zoning Officer Ken Martin, Zoning Board of Appeals Chairman George Knab. 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 Jim Fontaine that the minutes from the May 20, 2014 regular meeting and May 27, 2014 special meeting be approved.

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

Communications

The Town Clerk reported on the following:

#32 Receipt – Wyoming Diesel – 1970 Roller

The Town Clerk confirmed that all Board members are satisfied with the receipt from Wyoming Diesel. The roller was left with Mr. Maplesden for him to scrap in exchange for the labor spent working on it.

#33 North Java FD Financial Report

The North Java 2013 financial report was submitted to the Town Clerk.

#34 Historian Update

The Town Board asked the Town Clerk to contact Barb Durfee, Town Historian, to request an update on the progress made on preparing digital backups. The Board requested digital backups of historical records not only for preservation but for the ability to share information with the Historical Society and others.

Reports

Financial Reports were presented for the month of May 2014 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Highway Superintendent Ricketson reported on the following:

Humphrey Rd. Paving

Humphrey Rd. paving is complete.

Supervisor Report – Supervisor John Knab reported on the following:

Wyoming County Bills

County bills for the month of May were \$1,486,998.54.

FEMA – Updating of Flood Plain Maps

The Town was notified by FEMA that they will be updating the flood plain maps for the Lake Erie Watershed.

Equalization Rate

The Town was notified by the NYS Dept. of Taxation & Finance that the Town of Sheldon's equalization rate remained the same as last year. It is at 89%.

BAN Paperwork

Supervisor Knab has signed the paperwork for the Bond Anticipation Note with Steuben Bank. The Town received a rate of a little over 1%.

Varysburg Water Project

Chatfield Engineers have completed the drawings. The DEC, DOT, Army Corps of Engineers and the Wyoming County Health Dept. have to approve the drawings.

Board of Supervisors Meeting with Comptroller

The Wyoming County Board of Supervisors will meet with Comptroller Thomas DiNapoli on June 18th at the Government Center.

Revenue Sharing Check Received

The Town received \$2,705 from Wyoming County as part of a revenue sharing agreement.

Plowing & Ice Control Payment

The Town should soon be receiving \$52,000 from Wyoming County Highway, the fourth payment for plowing and ice control.

Streambank Revitalization Project

The Parton and Maillet streambank revitalization projects have been approved. The property along 20A near the Varysburg Fire hall was not approved. A grant management meeting will be set up with the Town Supervisor, Town Attorney, Town Clerk, Homeland Security and the engineer.

Acceptance of Reports

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

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Fontaine

Nays: (0) Motion Carried.

Old Business

4-H Welcome Signs

4-H member, Carla Fontaine, was present at the meeting. Supervisor Knab confirmed that the 3

signs in the Town of Sheldon will be put up. One will be placed on 20A at George King's property, one on Dwight Darling's property on Route 78 and one at the Town Hall. Supervisor Knab received permission from the landowners.

Town Hall Remodel

A motion was made by Vince Kirsch and seconded by Jim Fontaine to schedule a special meeting at 7:00 p.m. on Tuesday, July 1, 2014 with architects, Ed Smart and Heather Nemecc.

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

Toshiba Copier

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the purchase of a new Toshiba e-Studio 2050C color copier, printer, fax and scanner from Toshiba Business Solutions at a purchase price of \$4,095.00 with a service agreement of \$24.75/month based on 2500 black images and \$19.75/month based on 250 color images which includes the trade-in of the Savin8020d.

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

Night at the Movies

The Town Clerk informed the Board that the cost of a license to show an outdoor movie is \$250. The Town Board asked the Clerk to confirm that a rain date is included.

A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the purchase of a copyright license in the amount of \$250.00 (on the basis that a rain date is included in the price) from Criterion Pictures USA for the purpose of holding a town movie night.

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

2011 Ford Pick Up Sale

The 2011 Ford Pick Up was sold by Auctions International in the amount of \$20,000.00.

Mower/Brush Hog Sale

The Mower/Brush Hog was sold by Auctions International in the amount of \$3,600.00.

Lawn Mowing Service – Town Hall

The following quotes were received for lawn mowing/landscaping services:

Name of Bidder	Address	Amount of Bid
Maple Tree Environmentalist	1369 Tooley Rd. Ext., Attica, NY 14011	\$1,000.00
Wolcott Farms	4085 Quakertown Rd., Warsaw, NY 14569	\$960.00
C&R Landscaping	8964 Upper Street, Rushford, NY 14777	\$700 plus \$40 per mow

A motion was made by Brian Becker and seconded by Mike Armbrust to award the lawn mowing and landscaping contract to Maple Tree Environmentalist, 1369 Tooley Rd. Ext., Attica, NY 14011 at a cost of \$1,000 through October 31, 2014.

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

New Business

Local Law – ATV’s

The Town Clerk read the legal notice published in the June 5, 2014 Arcade Herald.

Open Public Hearing – Local Law 2-2014 – “Town of Sheldon All-Terrain Road Use Law”

A motion was made by Jim Fontaine and seconded by Brian Becker to open the public hearing for Local Law 2-2014 entitled Town of Sheldon All-Terrain Road Use Law.

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

Special Use Permit – Pat George Wind Turbine

The Town Clerk read the legal notice published in the June 5, 2014 Arcade Herald.

A motion was made by Jim Fontaine and seconded by Brian Becker to open the public hearing to consider the issuance of a special use permit to Patrick George, 1855 Perry Rd., North Java, NY 14113 to erect a residential wind turbine.

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

Open Bids New Truck

At 8:00 p.m the Town Clerk opened the bids received for a 2015 or newer 10 wheel tandem truck.

Bids were received as follows:

2015 or Newer Tandem Axle Truck Chassis

Name of Bidder	Address	Amount of Bid
Regional International	2425 Walden Ave., Buffalo, NY 14225	\$129,843.00
Beam Mack Sales & Service	2674 West Henrietta Rd., Rochester, NY 14623	\$135,148.58
Fleet Maintenance Inc	67 Ransier Drive, West Seneca, NY 14224	\$137,817.00

At 8:10 p.m. the Town Clerk opened the bids received for the plow, hitch, wing system & dump body. Bids were received as follows:

Plow, Hitch, Wing System & Dump Body

Name of Bidder	Address	Amount of Bid
Viking Cives	2917 Judge Road, Oakfield, NY 14125	\$99,506.00
Cyncon Equipment	7494 West Henrietta Rd., Rush, NY 14543	\$92,846.00
Valley Fab & Equipment Inc.	9776 Trevett Rd., Boston, NY 14025	\$85,475.00

Highway Supt. Reviews Bids

Highway Supt. Ricketson stepped out of the meeting to review the bids and determine if all met the specifications requested.

Highway Roller

Highway Supt. Ricketson stated that he wants to continue looking for a used roller that would fit

the Highway Department's needs. Highway Supt. Ricketson contacted Attorney DiMatteo to confirm the Town was documenting everything correctly in purchasing a used piece of machinery.

Generator for Town Hall

The Town hall generator (2002) is no longer working. The cost to fix is over \$2,800. The Town Board tabled discussion of a replacement until after the July 1st meeting with architects on the town hall renovation.

Geotechnical Drilling & Soil Samples – Varysburg Water

A motion was made by Brian Becker and seconded by Jim Fontaine to approve the geotechnical drilling and soil sample testing required at the site of the new storage tank and two creek crossings for the Varysburg Water District.

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

Dog Enumeration

A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the Town Clerk to place an ad announcing the dog enumeration in the East Aurora and Attica Pennysavers.

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

Fund Transfer

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the transfer of \$4,571.48 from Highway Fund DA5130.4 to Highway Fund DA5110.4.

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

Minkel Road Signs

Supervisor Knab was contacted by a resident on Route 78 concerned about the truck traffic coming down Minkel Rd. There was an accident on June 7th when a fertilizer delivery truck lost control of his brakes and crashed through a home (Wertz residence) on Route 78. The concerned resident was not present at tonight's meeting.

Harris Corners Fire Contract

A motion was made by John Knab and seconded by Jim Fontaine to schedule a public hearing for the Harris Corners Fire contract on Tuesday, July 15, 2014 at 7:30 p.m. at the Sheldon Town Hall.

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

Varysburg Fire Contract

The Varysburg Fire Department contract expires at year end.

Supervisor Knab will contact the Varysburg Fire Department to coordinate a date for their contract public hearing.

Byrncliff Resort Swim Contract

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to sign the contract with Byrncliff Resort at a total cost of \$1,584.00 for the summer

swim program.

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

Bills:

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

A motion was made by Mike Armbrust and seconded by Brian Becker that the

General Bills #166 to #211 for a Total of \$21,051.74, the

Highway Bills #115 to #128 for a Total of \$22,812.87, the

Trust & Agency Bills #24 to #27 for a Total of \$1,180.23 the

Varysburg Water District Bills #36 to #45 for a Total of \$2,933.62 the

Capital Project Bills #4 to #5 for a Total of \$34,667.80 and the

Lighting District Bills for a Total of \$693.16 be paid.

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

Highway Supt. Ricketson Reports on Bids

The Highway Supt. returned to the meeting and informed the Board that the lowest bid for the plow and accessories did meet specifications. However, he needs more time to review the truck bids to assess them for specification requirements.

Special Meeting – Truck Bids

A motion was made by Brian Becker and seconded by Mike Armbrust to schedule a special meeting with Hwy. Supt. Ricketson on July 1, 2014 at 8:00 p.m. to review the bids received for a tandem axle truck chassis.

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

Award Bid for Plow, Hitch, Wing System & Dump Body

A motion was made by Jim Fontaine and seconded by Mike Armbrust to award the bid for the plow, hitch, wind system & dump body to Valley Fab & Equipment, 9776 Trevett Rd., Boston, NY 14025 with a bid amount of \$85,475.00.

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

Close Public Hearing

At 8:25 p.m. a motion was made by Mike Armbrust and seconded by Brian Becker to close the public hearing for Local Law 2-2014 entitled Town of Sheldon All-Terrain Road Use Law.

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

Adoption of Local Law 2-2014 – “Town of Sheldon All-Terrain Road Use Law”

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 wishes to encourage land owners and organizations to develop trails for use by motorized vehicles and trails have been developed within the Town which are frequently used by clubs and individuals for recreation purposes; and

WHEREAS, because of the difficulty of getting from trail to trail without traveling on portions of Town of Sheldon roads, the Town is proposing a local law that authorizes ATV users, under the conditions specified in the law, to legally travel on all Town of Sheldon roads for the express

purpose of going from one trail to another trail; and

WHEREAS, a Notice of Public Hearing was duly published in the Town's official newspaper and said public hearing was opened on June 17, 2014 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 interest of the Town of Sheldon to adopt said law.

NOW ON MOTION OF Jim Fontaine, which has been duly seconded by Brian Becker, 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. 2 of 2014 entitled, "Town of Sheldon All Terrain Vehicle (ATV) Road Usage Law;" 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) Knab, Kirsch, Becker, Armbrust, Fontaine Nays: (0) Motion Carried.

Close Public Hearing - Special Use Permit – Patrick George

A motion was made by Brian Becker and seconded by Jim Fontaine to close the public hearing regarding the issuance of a special use permit to Patrick George, 1855 Perry Rd., North Java, NY 14113 to erect a residential wind turbine

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

Special Use Permit – Patrick George

A motion was made by Brian Becker and seconded by Mike Armbrust to approve the issuance of a special use permit to Patrick George, 1855 Perry Rd., North Java, NY 14113 to erect a residential wind turbine per the per the 256 ft. set back requirement issued by the Town Zoning Board of Appeals on June 14, 2014.

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

Comments from the Floor

Intersection of Centerline Rd. and Dutch Hollow Rd.

Centerline Rd. residents Kim Lorenzo and Deborah Hanlon were present at tonight's meeting to express their concerns with the intersection of Centerline and Dutch Hollow Rds. Ms. Hanlon was recently involved in an automobile accident at the corner and feels that the Town should make the intersection a four way stop. The Town Board responded that both roads are County roads therefore the Town cannot make that decision. Sheldon Highway Superintendent, Dave Ricketson, is the Chairman of the Wyoming County Traffic Board.

A motion was made by Brian Becker and seconded by Jim Fontaine to have the Town Clerk send a letter to the Wyoming County Traffic and Safety Board requesting their review of the intersection and the possibilities of making the corner a four way stop.

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

Assessor

Town Assessor, Ken Pike, attended tonight's meeting. Mr. Pike informed the Board that he will be attending training in Ithaca next month. He reported that grievance day went well with very

few grievances. Mr. Pike wanted to let the Board know that he found a box of zoning permits in his office that were never entered into the Assessor computer program. He also found whole houses that were never entered. He stated that he will be spending the summer going through that box and getting up to speed. Mr. Pike asked the Board to consider the next revaluation and the budget concerns to undertake one. Councilman Becker responded that he thought the Board and Assessor were under agreement that we do not need to “stop what we are doing and do a reval” stating that it should be an ongoing process. Councilman Armbrust reminded Mr. Pike that the Board had requested quarterly reports and would hope to receive one in July. Town resident Roger Almeter asked if there was a kick back from the State to get to 100% equalization or an incentive do so. Mr. Pike responded that the Town has farm land all over the map. Mr. Almeter asked if the assessor would need extra help to get that done. Mr. Pike responded that he is not sure. Councilman Kirsch asked Mr. Pike to work out a plan detailing what it would require from the Town.

Buffalo Hill Village – Jam in the Valley

Hwy. Supt. Ricketson made the Board aware of a request he received from Tim Attea, son of Sonny Attea, owner of Buffalo Hill Village and organizer of the Jam in the Valley concert event. Mr. Attea asked the Highway Supt. if he could hire the Town Highway Dept. to clean up the road (20A) after the concerts. Hwy. Supt. Ricketson responded that the highway dept. is not for hire for jobs of this nature stating that Route 20A is a State Highway. The Town Board was in agreement with the Highway Supt. that the highway dept. should not be engaging in this type of for hire work.

Residential Wind Turbines

The Board and residents in attendance had a short discussion about amending the wind turbine law. Zoning Board of Appeals member, Norm Kehl, commented that it is costly and time consuming to have applicants go through the variance process which is required if the proposed turbines are higher than 120 feet. Planning Board member Mary Kehl expressed her concern that the current regulations of the law need to be addressed. Ms. Kehl specifically referred to the signage and fencing requirements that the Local Law require. The Town Clerk advised the Town Board that the Zoning Board of Appeals members as a whole recommended that the height allowance for residential wind turbines be increased and that set back requirements of 1.5 times the height of the turbine be added to the law.

Ernst Residence – Corner of Centerline & Dutch Hollow

A resident in attendance wanted the Board to know that the owner of the property at the corner of Dutch Hollow and Centerline Rd. (Mr. Ernst) is selling cars at this premises and is running a business at his home. Zoning Officer, Ken Martin, responded that he will stop by the property and talk to the owner.

Adjournment

A motion was made by Brian Becker and seconded by Jim Fontaine to adjourn the June 17, 2014 meeting of the Sheldon Town Board.

Ayes: (5) Knab, Kirsch, Becker, Armbrust, Fontaine

Nays: (0) Motion Carried.