

**REGULAR MEETING
SHELDON TOWN BOARD
June 21, 2017**

The Regular Meeting of the Sheldon Town Board held June 21, 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 May 17, 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:

#18 Planning & Zoning Training

The Association of Towns is hosting a planning and zoning school at Byrnclyff on Monday, July 31st. The invoice for sign ups was added to tonight's abstracts after the copies were already distributed. The Town Clerk asked the Board to add voucher number #161 for the Association of Towns in the amount of \$320.00 for the Zoning & Training school at Byrnclyff.

#19 Variances – Prallers

A Zoning Board of Appeals public hearing will be held on Wednesday, July 12, 2017 at 6:30 p.m. to hear the three variance requests of C&G Praller.

Financial Reports

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

Highway Superintendent's Report

Highway Supt. Ricketson reported on the following:

Road Projects

The department has been busy sealing roads and tar & chipping. They have ditched 10 driveways.

Minkel Road Paving

The Dept. is not going to pave Minkel Rd. this year and save the money for next year. Supervisor Becker suggested using the \$90,000 that will not be used for paving this year to be spent on paying towards the BAN that was taken out to pave roads.

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Stone Pile

Councilman Fontaine asked if the stone piled outside is enough to do all the roads this year. Supt. Ricketson responded yes.

Creek Road Repairs

Creek Road will need a lot of work before winter.

New Hi-Lift

The new hi-lift is in at George & Swede. It could take a couple of weeks before delivery. The Caterpillar hi-lift was supposed to be back by last Friday, however, Caterpillar said to keep it until the check for trade-in arrives. The County will haul it over.

Highway School

A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the Highway Superintendent to attend highway school in Ellicottville September 19-22.

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

Supervisor's Report

Supervisor Brian Becker reported the following:

Renewal of Certificate of Deposit

The Town renewed the \$250,000.00 certificate of deposit and cashed in the \$500,000.00 CD.

County Bills

The County bills for May were \$1,821,867.74.

County-Wide Zoning Enforcement Officer

The County Board of Supervisors approved a County-wide Zoning Officer. So far, five municipalities have signed on.

County Law – Pay as you Go Cell Phones

The county passed a law so that “pay as you go” cell phones would be taxed at the same rate as other cell service companies.

Amending the Law to Ban all Weapons in County Buildings

The County Board of Supervisors is considering an amendment that would allow concealed permit carriers to carry their weapon into certain County buildings and offices. A public hearing will be scheduled next month.

National Fuel Meter at Varysburg Water Pump House

The Town received a check for \$200.00 from National Fuel (this will be an annual payment) for the placement of a National Fuel meter on the Varysburg Water Pump House.

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Fire Extinguisher Inspection

There is a bill in tonight's abstracts for service on the Town hall fire extinguishers. Supervisor Becker noticed that one extinguisher was not charged. The check will be held until the fire extinguisher is charged.

Maintenance of Frinks Corners Cemetery

Gerry Schwab is no longer able to maintain the cemetery at Frinks Corners.

A motion was made by Mike Armbrust and seconded by Jim Fontaine to appoint Bill Brainard to maintain the Frinks Corners Cemetery.

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

Acceptance of Reports

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

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

Old Business

Open Public Hearing – Local Law 1-2017 Grievance Day

At 8:08 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for proposed Local Law 1-2017 – Change in Grievance Day.

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

Varysburg Water District – Sen. Gallivan/DASNY Funding

The Town is still waiting to hear from DASNY regarding the \$50,000 funding for the new water meters and repairs to the pumphouse.

DFT Security Bill

A motion was made by Vince Kirsch and seconded by Jim Fontaine to approve payment of the balance of the DFT Security bill which was not covered by the grant, in the amount of \$405.00 and to pay the amount from the General Fund – A1640.4 Central Garage.

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

Alternate Planning Board Member

Kathy Roberts will attend the July Planning Board meeting to see if she is interested in serving as an alternate member.

Additional Funding - Drescher & Malecki CPA's

Councilman Kirsch asked Supervisor Becker to confirm that three vendors were contacted for the audit service. Supervisor Becker confirmed that three firms were contacted, one in Perry, the Bonadio Group and Drescher & Malecki.

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A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize another \$3,500 in funding for the audit.

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

Resolution to Hold Public Hearing to Consider 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, there has been duly established in the Towns of Orangeville, Sheldon and Bennington, a Fire Protection District known as the Varysburg Fire Protection District, embracing certain territory within said Towns of Orangeville, Sheldon and Bennington and such territory is more fully described in a resolution adopted on the 18th day of June, 1961, and

WHEREAS, it appears to the Town Board of the Town of Sheldon that the consideration of the extension of a fire district in the area now comprising the Varysburg Fire Protection District within the Town of Sheldon may be in the public interest, and a public hearing on the extension of a fire district should be held for such purposes, pursuant to Town Law §171;

NOW THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Sheldon shall convene and conduct a joint public hearing with the Town Board of the Town of Orangeville and the Town Board of the Town of Bennington on July 10, 2017 at 7:00 p.m. at Varysburg Fire Station, 2446 Route 20A, Varysburg, New York 14167 for the purpose of considering the extension of a fire district and that notice thereof be given by the Town Clerk as required by law.

Board Member Vince Kirsch moved, and Board Member Jim Fontaine seconded, and the Town Board voted as follows:

Supervisor Becker	Aye
Board Member Kirsch	Aye
Board Member Fontaine	Aye
Board Member Meyer	Aye
Board Member Armbrust	Aye

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

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Re-Schedule Special Meeting from June 6 to July 18

The Town Board did not meet on June 6, 2017 for the special meeting with Mike Hardie and Don Roberts. Both parties were not available, therefore, the meeting was never advertised.

A motion was made by Jim Fontaine and seconded by Joe Meyer to schedule a public hearing on July 18, 2017 at 7:00 p.m. to meet with Mike Hardie and Don Roberts.

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

Bartz Road – Stop Sign Ahead Request

Hwy. Supt. Ricketson reported the request to the County Highway. It is under review.

Varysburg Park Bathroom Renovations

Councilman Kirsch and Supervisor Becker met regarding the park bathrooms and have determined that the cost to build a new structure would exceed \$60,000.00, therefore, they have decided to renovate the existing bathrooms. A meeting will be set up with the park committee so that Supervisor Becker and Councilman Kirsch can get their input.

Strykersville Land Donated by Streichers

The land was cleaned up by the Kiwanis. No more work will probably be done on the land until next spring.

Local Law – Solar Energy

A motion was made by Jim Fontaine and seconded by Mike Armbrust to schedule a public hearing on proposed Local Law 2-2017 – Solar Energy for July 19, 2017 at 8:00 p.m.

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

New Business

Generac Warranty – Town Generator

After a lengthy discussion, the Town Board decided not to purchase a warranty for the Generac generator.

NYS Retirement Hours – Paul Romesser

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the Town of Sheldon hereby establishes the following standard work day for the title of Town of Sheldon Justice and will report the official to the New York State and Local Retirement System based on their record of activities.

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

Title	Standard Work Day	Name	Term	Record of Activities
Town Justice	6	Paul J. Romesser	1/01/17-12/31/20	6.81

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Bio-Solid – Human Waste Solid Law

Resident Deanne Siemer met with NYS Ag & Markets regarding the human waste law. Ms. Siemer is an attorney and has been assisting the Planning Board. Councilman Armbrust thanked Ms. Siemer and the planning board for their efforts. Ms. Siemer noted that she sent the law to our Town Attorney, David DiMatteo for his review. The Town Clerk will reach out to the Attorney's office for his response.

Pre-Pay Bond Anticipation Note for the 2015 Western Star Truck

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize pre-payment in the amount of \$74,430.67 from DA9730.6 plus \$930.38 in interest from DA9730.7 for the Bond Anticipation Note taken out for the 2015 Western Star Truck.

Ayes: (5) Becker, Fontaine, Meyer, Armbrust, Kirsch Nays: (0) Motion Carried.
This is the 3rd and final payment on the BAN. It is now paid in full.

Comments from the Floor

At 8:50 p.m. Supervisor Becker opened the floor to comments.

Jam in the Valley Event

Councilman Fontaine asked if the County has approved all of the permits required for the Jam in the Valley event. Supervisor Becker responded that some parts of the permits are still outstanding.

Town Hall Sign

Councilman Kirsch asked when the sign in front of the hall will be repaired. The sign is in the highway garage and it will be repaired by the Highway Dept.

Zoning Complaints Strykersville

Supervisor Becker made the Board aware of several complaints regarding a property in Strykersville. The grass is not being cut and the property is not being maintained. Supervisor Becker asks that residents file a complaint form with Wyoming County Building & Codes Department.

Highway Superintendent Pickup Truck

Highway Supt. Ricketson made the Board aware that his pick-up truck is one year old. It has 18,000 miles. Supervisor Becker asked him to see if there are contracts that we can piggyback off of for a new 2018. He also asked him to find out the value of the truck he is currently driving.

Closing of Public Hearing – Local Law 1-2017 – Change in Grievance Day

At 9:05 p.m. a motion was made by Joe Meyer and seconded by Mike Armbrust to close the public hearing regarding Local Law 1-2017 – Change in Grievance Day.

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

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Adoption of Local Law 1-2017 – Change in Grievance Day

A motion was made by Mike Armbrust and seconded by Joe Meyer to adopt Local Law 1-2017 changing the date of grievance day for the Town of Sheldon.

Roll Call Vote:

Becker – Aye

Fontaine – Aye

Meyer – Aye

Armbrust – Aye

Kirsch – Aye

Motion carried.

TOWN OF SHELDON

CHANGING THE DATE FOR GRIEVANCE DAY

FOR REAL PROPERTY TAX ASSESSMENTS FOR THE TOWN OF SHELDON

BE IT ENACTED by the Town Board of the Town of Sheldon as follows:

SECTION I. STATUTORY AUTHORITY

This local law is adopted pursuant to Article 5, Section 512 (1-a) of the Real Property Tax Law of the State of New York.

SECTION II. PURPOSE

In 1992, Section 512(1-a) was added to Article 5 of the Real Property Tax Law (L.1992, c.609) to authorize an assessing unit, which employs an assessor who also serves as such in another assessing unit, to change its grievance day.

Authorization in Section 512(1-a) is limited to no earlier than the fourth Monday of May and no later than the second Tuesday of June.

In accordance with Section 512(1-a) of the Real Property Tax Law, grievance day for the Town of Sheldon shall be changed from the first Thursday after the fourth Tuesday in May to the second Tuesday after the fourth Tuesday in May each and every year thereafter until changed by local law or otherwise.

This local law shall also repeal and replace local law No. 2 of 2013 which previously changed grievance day in the Town of Sheldon.

SECTION III. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

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SECTION IV. SEVERABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Sheldon hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION V. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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 #126 to #161 for a Total of \$41,035.91, the Highway Bills #85 to #99 for a Total of \$41,726.86, the Trust & Agency Bills #16 to #19 for a Total of \$657.00, the Varysburg Water District Bills #21 to #26 for a Total of \$948.07, the Special Grants Bills #5 to #5 for a Total of \$14,490.00, and the Lighting District Bills for a Total of \$778.85 be paid.

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

Adjournment

At 9:08 p.m. a motion was made by Jim Fontaine and seconded by Vince Kirsch to adjourn the June 21, 2017 meeting of the Sheldon Town Board.

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