

**REGULAR MEETING
SHELDON TOWN BOARD
June 19, 2019**

The Regular Meeting of the Sheldon Town Board held June 19, 2019 at the Vincent Almeter Memorial Park, Route 98, Varysburg was called to order by Town Supervisor Brian Becker at 7:00 p.m.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Vince Kirsch, Joe Meyer
Absent: Councilman Mike Armbrust and
Highway Superintendent David Ricketson
Recording Secretary: Town Clerk Carol Zittel
Also present: Attorney David DiMatteo, Members of the Harris Corners Fire Dept.,
Don Roberts, Wyoming County Building Code Enforcement Officer
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 May 15, 2019 regular meeting be approved.

Ayes: (3) Becker, Fontaine, Meyer Absent: Armbrust, Kirsch Nays: (0) Motion Carried.

Communications

The Town Clerk, Carol Zittel, reported on the following:

Tri-Town Seniors Financial Report

The Tri-Town Seniors submitted their financial report from 2018 with a list of 2019 officers.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHELDON
DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

WHEREAS, the Town Board of the Town of Sheldon met at a regular board meeting at the Vincent Almeter Memorial Park of the Town of Sheldon located at Route 98, Varysburg, New York, 14167 on June 19, 2019, commencing at 7:00 p.m., at which time and place the following members were:

Present: Supervisor Brian Becker
Councilperson Jim Fontaine
Councilperson Joe Meyer
Absent: Councilperson Mike Armbrust, Councilperson Vince Kirsch

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 104 of the Public Officers Law (Public Meetings 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

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WHEREAS, it appears that Daniel and Sandy Schofield are in violation of Article VIII, Section 8080 “Violation of Conditions or Restrictions” of the Zoning Law of the Town of Sheldon at their property located at 2424 State Route 77 in the Town of Sheldon from February 10, 2014 (date of electrical certificate) to date; and

WHEREAS, it appears to be in the best interest of the Town of Sheldon to prohibit Daniel and Sandy Schofield from continuing to be in violation of said Article VIII, Section 8080 of the Zoning Law of the Town of Sheldon at their property located at 2424 State Route 77 in the Town of Sheldon; and

WHEREAS, the Town Board of the Town of Sheldon feels it is in the best interest of the Town of Sheldon to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of Article VIII Section 8080 of the Zoning Law of the Town of Sheldon at the Schofield’s property located at 2424 State Route 77 in the Town of Sheldon to ensure that this property is brought into compliance with said Law.

NOW ON MOTION made by Jim Fontaine, and duly seconded by Joe Meyer, therefore, be it

RESOLVED, that the Supervisor of the Town of Sheldon, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Sheldon in this matter, upon such terms as he deems proper and advisable; and be it further

RESOLVED, that the Supervisor of the Town of Sheldon shall authorize David M. DiMatteo, on behalf of the Town of Sheldon, to take such action as may be deemed advisable to prosecute and prevent any continuation of the violation of Article of the Zoning Law of the Town of Sheldon by Daniel and Sandy Schofield at their property located at 2424 State Route 77 in the Town of Sheldon.

Ayes: (3) Becker, Fontaine, Meyer Absent: Armbrust, Kirsch Nays: (0) Motion Carried.

Reports

Financial Reports were presented for the month of May 2019 from the Town Supervisor, Town Clerk and the Town Justices. The cash flow and payroll reports were also presented.

Highway Superintendent’s Report

Highway Superintendent David Ricketson was absent from tonight’s meeting. He submitted a written report as follows:

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5/20 & 5/21 – Chips project Minkel Rd.

Chips project went very well. Paving of Minkel Rd. was completed on schedule the week of 5/20 with the help of the Towns of Bennington, Java, Arcade, Orangeville, Eagle and Attica. We are waiting for Java, they just paved Welch Rd. so we will work together to put shoulders on both roads the same day. The millings pile in our yard is for Minkel shoulders.

5/22 – 5/23

Cut road sides. Added millings to farm driveways, cleaned up blacktop waste and generally cleaned up Minkel Rd.

Bloecher Road 5/28-5/31

Hauled millings from old Captain's Chair site to Bloecher Rd. 1360 ton went 1360 feet (one ton per foot). 12" thick 24 feet wide. Ed Zehler's excavator loaded our trucks and 3 Attica trucks. Ed Zehler himself bulldozed millings on road. John Herrmann graded with Bennington's grader for a beautiful finished product that we rolled with the County's big vibratory roller. Shot it with 1.0 gallon per ft sealing oil to try and hold in place.

6/3 – 6/4 Assisted Java

Helped Java get ready to pave Welch Rd.

6/5-6/6

Cut road sides, patched potholes

6/10-6/14

Worked for County on Hermitage Rd.

6/17

Paved with Java

6/18

Cut road sides, rolled Bloecher again, Jimm repaired Truck #237 in shop

6/19

Chip seal with Arcade

Equipment

PS Grader is still down

233 Kevin's truck was shifting hard (fixed)

232 International – Brakes and transmission lines (fixed)

237 Jimm's truck – Computer codes & warning lights (fixed)

Request for Road Signage

Request for trucks entering sign on Factory Rd Kyle Parmeter's place. 1 sign only west bound.

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Councilman Vince Kirsch arrives

Supervisor's Report

Supervisor Becker reported on the following:

Varysburg Water

Meters were installed at C&G Prallers, the churches and the park. The churches and park will not be billed but will be metered.

Acceptance of Reports

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

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Old Business:

Open Public Hearing - Harris Corners Fire Department Contract

At 7:11 p.m. a motion was made by Joe Meyer and seconded by Vince Kirsch to open the public hearing for the Harris Corners Fire Department contract.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Members of the fire company present: Nick Kirsch, Margit Germain, Jim Germain, Ed Mest

Nick Kirsch represented the fire company and requested a two-year contract with a 2% increase each year. They also requested a clause be inserted that would secure additional funding if the mandated cancer coverage insurance increases greatly. Supervisor Becker responded that this clause would be difficult as funds can only come from the fire company budget line not the general fund. Attorney DiMatteo stated how difficult it would be with the budgetary constraints on the Town. Mr. DiMatteo states that the contract has a section which allows either party to terminate the contract with a one-year notice. The Town Clerk read the applicable section out loud and all parties agreed that this section would be satisfactory.

Open Public Hearing – Special Use Permit – Senior Care/Daycare Facility

At 7:23 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to open the public hearing for the special use permit application submitted by Felicia Mullane to open a senior care/daycare center on Sunset Drive.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Ms. Felicia Mullane who operates Agape Manor on Main Street in Strykersville applied for a special use permit to operate a senior care/daycare facility in a residential home on Sunset Drive. Don Roberts spoke regarding the application and stated:

- The residence is directly behind Agape Manor.

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- It would be used as an adult day care with possible overnight stays
- No exterior changes to residence
- It will remain two bedrooms
- Ms. Mullane's license incorporates this proposed new facility
- Once Town approval is obtained she can operate it
- A two foot sign will be put up
- Maximum capacity of two overnight rooms
- Maximum capacity during the day – up to five people

Councilman Kirsch asked if there will be any increase in traffic. Mr. Roberts replied minimal.

- Mr. Roberts stated that Agape Manor is currently inspected annually by his office
- Supervisor Becker stated that he feels this type of facility is very needed in our community
- Mr. Roberts stated that this will be the first adult daycare in the County (excluding the hospital in Warsaw)

Salt Building

The contract has been signed between the Town and Hybrid Building Solutions for the construction of the salt building.

Strykersville Cemetery

Supervisor Becker provided an update on the Strykersville Cemetery. Three people have volunteered to sit on the cemetery association thereby eliminating the need for the Town to take it over. Members will be: Joe and Shannon Yox and Lindsay Hyman. They had to obtain an EIN number. Joe Yox will mow the cemetery lawn as a cost saving measure for the association.

Engineer Quotes – Varysburg Water Pipe Replacement

Three engineering firms submitted quotes for engineering services. Supervisor Becker noted that the Town is not ready to hire an engineer at this time. Mr. DiMatteo suggested that the Board interview one or all of them. Supervisor Becker would like to get an estimate on how much the line replacement project would cost and would like the water advisory board involved in the process. Supervisor Becker also stated that the water district does not have the funds at this time to pay for the project. Mr. DiMatteo noted that there may be grant money available if the district is extended.

Closing of Public Hearing- Harris Corners

At 7:43 p.m. a motion was made by Joe Meyer and seconded by Jim Fontaine to close the public hearing for the Harris Corners Fire Contract.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Approval of Harris Corners Fire Contract

A motion was made by Joe Meyer and seconded by Vince Kirsch to approve the two-year contract with Harris Corners with the requested 2% increase each year.

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2020: \$31,188.91, 2021: \$31,812.69

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Closing of Public Hearing – Mullane Special Use Permit

At 7:45 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to close the public hearing on the Mullane special use permit.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Approval of Special Use Permit – Mullane

A motion was made by Brian Becker and seconded by Jim Fontaine to approve the special use permit for Felicia Mullane to operate a senior care/daycare facility on Sunset Drive, Strykersville.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Five Year Financial Plan

A motion was made by Jim Fontaine and seconded by Vince Kirsch to adopt the five year financial plan as presented. The plan has been attached to these minutes.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Court Security Door Quote

A motion was made by Vince Kirsch and seconded by Jim Fontaine to approve the purchase of a court office security door in the amount of \$3,995.00 from DFT Security, 2950 Seneca Street, Buffalo, NY 14224.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

New Business:

Byrncliff Swim Contract

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the 2019 swim contract with Byrncliff Resort. The cost is the same as 2018.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Abandonment of Reisdorf Road

Mr. DiMatteo suggests that the Town abandon Reisdorf Rd. The Road will need to be removed from all road listings with the State and the County. Mr. DiMatteo confirmed that the Town of Java will also abandon their end of the road. A meeting with the Reisdorfs should be set up. Mr. DiMatteo suggests that the Town Highway Superintendent look at other roads that should also be closed in the Town. A letter will be sent to Highway Superintendent Ricketson outlining the proper steps to be taken and a public hearing will need to be held. Mr. DiMatteo will keep the Board abreast of the situation.

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Solar Law – Hiring of Dan Spitzer

Mr. DiMatteo suggested that the Town employ the legal services of Attorney Dan Spitzer from Hodgson Russ for the solar law project stating that Mr. Spitzer is very familiar with Article 10, very knowledgeable about environmental law and he is already engaged with Bennington on the same project. Mr. DiMatteo stated that it makes sense to consolidate and use one lawyer for the two towns. Supervisor Becker stated that Mr. Spitzer will review our current law.

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Supervisor to hire the services of Attorney Dan Spitzer to re-write the solar law and advise on the proposed solar project in the Town.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust 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 Joe Meyer that the

General Bills #124 to #173 for a Total of \$51,821.99, the

Highway Bills #86 to #101 for a Total of \$132,506.36, the

Trust & Agency Bills #16 to #19 for a Total of \$683.42, the

Varysburg Water District Bills #40 to #44 for a Total of \$133.19 and the

Lighting District Bills for a Total of \$845.99 be paid.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.

Comments from the Floor

At 7:55 p.m. Supervisor Becker opened the floor to comments.

Comments from Town Attorney on Proposed New Zoning Law

Mr. DiMatteo submitted an 8-page letter dated June 19, 2019 to the Town Board and made the following comments:

- My 8-page letter is not my full comments on the draft zoning law
- You have a good start at rewriting it but there needs to be more done
- I recommend that you not continue working on the law until October and at that time we may require 2 planning board meetings a month. I will attend the meetings if requested.
- My understanding is that Don Roberts is coming up with a model zoning code (Mr. Roberts confirmed that his model code should be ready in the next few weeks)
- I do not have the time to commit to the zoning re-write until early fall
- Zoning law should be fluid. You should constantly be changing things.
- Make your modifications to your zoning map and your solar law now then after those are taken care of proceed with picking up the re-write of the zoning law

Ms. Siemer, an Attorney who lives in the Town has been attending planning board meetings and has volunteered her services to the planning board as they re-write the law. Ms. Siemer responded to Mr. DiMatteo:

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- It takes a lot of patience to work on such a project and the Board has had to work through the process.
- The Planning Board wants to get comments
- They want to accommodate views
- They have been working on the re-write for 18 months

Attorney DiMatteo responded:

- I've never seen a re-write of a zoning law pass in less than 36 months

Supervisor Becker noted:

- I don't see this zoning law going through anytime soon
- We may change certain intersections on our zoning map
- Don Roberts and Alyssa Cutcliffe are working on the changes to our zoning map. Once these changes have been made we will proceed with adopting the new map

Don Roberts stated:

- Once we think we've got the law where we want it we do some work sessions and see if it is workable yet

Town Park

Resident Darlene Janes, who is a member of the park committee, notified the Board that the playground toy "Clifford" has been broken at the park. Mr. DiMatteo suggested that Ms. Janes not mess with the specifications to try to fix it but should instead call the manufacturer. Councilman Meyer complimented Ms. Janes on the flowers and the appearance of the park. Ms. Janes was proud to announce that youth baseball games have resumed at the park.

Adjournment

At 8:15 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the June 19, 2019 meeting of the Sheldon Town Board.

Ayes: (4) Becker, Fontaine, Kirsch, Meyer Absent: Armbrust Nays: (0) Motion Carried.