

**REGULAR MEETING
SHELDON TOWN BOARD
March 18, 2014**

The Regular Meeting of the Sheldon Town Board held March 18, 2014 at the Sheldon Town Hall, was called to order by Town Supervisor John Knab at 7:00 p.m.

Present: Supervisor John Knab
Councilpersons: Vince Kirsch, Brian Becker, Mike Armbrust
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, ZBA Chairman George Knab, Deputy Town Clerk Gertrude Hyman, Laura Kirsch, Dave Heitzhaus.
A signed list of all present is on file in the Town Clerk's Office.

Minutes

A motion was made by Vince Kirsch and seconded by Brian Becker that the minutes from the February 18, 2014 regular meeting be approved.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Communications

The Town Clerk reported on the following:

#16 Folsom Trailblazers pancake breakfast

Sunday, March 23rd at Strykersville Fire Hall

#17 Ad in Arcade Herald "Our Town's" Issue

The Town Clerk advised the Board of a special publication of the Arcade Herald. "Our Town's" issue would feature information about various towns. The Town Board declined to purchase an ad.

#18 Inventory of Town Highway Machinery, Tools & Equipment

The Town Clerk notified the board of receipt of the Highway Dept. inventory. The clerk will email a copy to all board members.

#19 Genesee/Finger Lakes Local Govt. Conference

May 15, 2014 in Pittsford

#20 Suit Kote Letter

The Town Clerk read a letter received from Suit Kote Inc. notifying the Town that escalation or de-escalation from an asphalt base of \$549 per English ton will be applied to all products containing asphalt content.

#21 Letter from Historical Society

Historical Society Board Member, Janet Kirsch, submitted a letter to the Town Board asking for replacement of the trees that were removed at the Schoolhouse last year. Ms. Kirsch provided

price quotes for replacement trees. Supervisor Knab will contact the Historical Society Board to ask a few more questions before the Town Board makes a decision.

#22 Resignation of Councilwoman Lynne Metz

The Town Clerk notified the Board of a letter received today from Councilwoman Lynne Metz. Councilwoman Metz regrettably resigned from the Board effective April 1, 2014 due to health issues.

Reports

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

Highway Superintendent's Report

Highway Superintendent Ricketson reported on the following:

Highway Superintendent Advocacy Day

The Highway Supt. reported a good turnout for advocacy day in Albany. It is still not known what CHIPS funding will be available.

New Highway Pickup

The new 2014 Ford pickup has been delivered and everything is fine with it.

Permission to Keep 2011 Pickup

Supt. Ricketson stated that he would like to keep the 2011 pickup as a second pickup for the department. Supt. Ricketson stated that it is not something they would need every day but they could use another one. He asked the Board to think about it.

2009 Pete Repairs

The 2009 Pete is at RS Maher – head gasket is leaking.

Authorization to Add Equipment to High Lift

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the additional cost of approximately \$5,600 to equip the caterpillar 950K high lift (authorized for purchase February 2014 per Wyoming County bid specifications) with an equipment package requested by the Highway Superintendent.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Pricing Plow Equipment & Truck

Supt. Ricketson stated that the pricing for the truck and equipment is approximately \$190,000 for the truck and \$89,000 for the equipment.

Supervisor Report – Supervisor John Knab reported on the following:

County Highway Projects

The County has various paving projects planned. Liberty Street in Warsaw, W. Park Rd. in Castile, Exchange St. in Attica and Orangeville, and Perry Rd. in Sheldon and Java are slated for

paving.

Wyoming County Bills

County bills for February 2014 were \$2,995,179.21

Acceptance of Reports

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

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Old Business

Town Hall Addition

Councilman Kirsch stated that the next step in the hall renovation would be to hire an architect to provide a stamped drawing and site plan. Councilman Kirsch will keep the Board advised of his progress.

New Business

Appoint Replacement of Justice Robert Jae

Town residents, Laura Kirsch and Dave Heitzhaus, who had previously submitted letters of interest for the appointment to Town Justice were present at tonight's meeting. Councilman Becker questioned Ms. Kirsch about her decision to not run in the November 2013 election. Ms. Kirsch replied that she was told at that time that she would be running against the sitting Judge Fran Lefort. Ms. Kirsch stated that she had heard good things about Judge Lefort and saw no point in running against him. Mr. Heitzhaus stated that he had always had an interest in serving the community in a town position. The Town Board agreed that they had two good candidates to choose between.

A motion was made by Mike Armbrust and seconded by Brian Becker to appoint Dave Heitzhaus to the position of Town Justice with a term of March 18, 2014 to December 31, 2014.

Knab – No

Kirsch – No

Becker – Yes

Armbrust - Yes

Ayes: (2) Becker, Armbrust Absent: (1) Metz Nays: (2) Knab, Kirsch

Motion not carried.

A motion was made by John Knab and seconded by Vince Kirsch to appoint Laura Kirsch to the position of Town Justice with a term of March 18, 2014 to December 31, 2014.

Knab – Yes

Kirsch – Yes

Becker – No

Armbrust - No

Ayes: (2) Knab, Kirsch Absent: (1) Metz Nays: (2) Becker, Armbrust

Motion not carried.

Councilman Kirsch stated that both are good candidates but Ms. Kirsch has experience and is familiar with the process of the law.

Councilman Armbrust stated that Dave Heitzhaus ran in the general election and this is only a 9 month appointment until the November election.

Councilman Becker stated that he personally feels it is a conflict of interest since Councilman Kirsch is an uncle by marriage of candidate Laura Kirsch.

Councilwoman Metz was not present at the meeting due to illness, however, her daughter Carol Kirsch who was present, asked if Councilwoman Metz would be able to vote via phone. After researching the issue, it was determined that a board member must be physically present to vote.

Since the Board was at a standstill regarding this vote, the Board continued on with other business.

4-H Signs at Wyoming County Entrances

4-H member, Carla Fontaine, was present at the meeting to request permission to place a sign at a location entering the Town that says something similar to the following: "Wyoming County 4-H Welcomes You." Supervisor Knab stated that he heard that Wyoming County 4-H may be reconsidering metal signs and may instead make homemade signs to place in store windows and town locations.

A motion was made by Brian Becker and seconded by Vince Kirsch to table the discussion of the 4-H signs until more information can be obtained.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Inter-Municipal Agreement with County Highway Loader

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the Town Supervisor to sign the Inter-Municipal Agreement between Wyoming County Highway and the Town of Sheldon for shared responsibilities of the Wyoming County owned loader and the Town of Sheldon's 2014 midland shoulder widener.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Contract for Town Hall Dumpster

Supervisor Knab asked permission to sign the contract with Waste Management for dumpster services.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor to obtain price quotes from other companies that offer dumpster service to compare pricing.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Williamson Law Payroll Software

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the Town Supervisor to sign the payroll software contract with Williamson Law for a one year contract at the annual price of \$665.50.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Town Policies - Computer Use, Credit Card, Discrimination, Workplace Violence,

Emergency Plan, Code of Ethics

Councilman Kirsch submitted a few wording changes to the discrimination policy. The Board agreed with the changes.

A motion was made by Brian Becker and seconded by Vince Kirsch to approve the following town policies: Computer & Internet Use, Credit Card Use, Discrimination & Harassment Policy, Workplace Violence Prevention Policy, Town of Sheldon Emergency Plan and the Code of Ethics.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Water District Operator/Meter Reader Salary

Supervisor Knab stated that the Town has been paying Chris Jones and Wayne Durfee each \$1,200 annually for water district services. Mr. Jones has offered to forego compensation for delivering the water samples for testing. Mr. Durfee will now be handling all water duties. Supervisor Knab asked the board's authorization to pay Mr. Durfee \$2,400 annually for water duties.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the salary of \$2,400 annually to Wayne Durfee for water district duties.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Assessor's Shared Equipment Agreement with T/Middlebury

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor to sign the Assessor shared equipment agreement between the Towns of Sheldon and Middlebury and Ken Pike.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Fund Transfers

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the following fund transfers:

\$50,000.00 from General Money Market (A9901.0) to Highway Money Market (DA5031) for March bills and payroll

\$77,148.60 from General Fund CD (debit A630) to the Highway Fund CD (credit DA391)

\$20,000.00 from Varysburg Water District to Varysburg Water Capital Fund to pay Municipal Solutions and Chatfield Engineers

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Bills:

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

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the

General Bills #64 to #89 for a Total of \$17,127.24, the

Highway Bills #49 to #73 for a Total of \$70,176.98, the

Trust & Agency Bills #9 to #13 for a Total of \$2,240.14 the

Varysburg Water District Bills #14 to #23 for a Total of \$5,110.22 the

Capital Project Bills #1 to #2 for a Total of \$19,396.20 and the

Lighting District Bills for a Total of \$970.65 be paid.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.

Appointment of Town Justice

The Town Board re-addressed the Justice appointment issue. Councilman Becker stated that if the Board's long time colleague, Councilwoman Lynne Metz, was not ill and was present at the meeting she would have voted for Laura Kirsch.

A motion was made by John Knab and seconded by Vince Kirsch to appoint Laura Kirsch as Town of Sheldon Justice with a term of March 18, 2014 – December 31, 2014.

Knab – Yes

Kirsch – Yes

Becker – Yes

Armbrust – No

Metz - Absent

Ayes: (3) Knab, Kirsch, Becker Absent: (1) Metz Nays: (1) Armbrust Motion Carried.

Comments from the Floor

Supervisor Knab opened the floor to comments. There were no comments from the floor.

Adjournment

A motion was made by Vince Kirsch and seconded by Brian Becker to adjourn the March 18, 2014 meeting of the Sheldon Town Board.

Ayes: (4) Knab, Becker, Armbrust, Kirsch Absent: (1) Metz Nays: (0) Motion Carried.