

**REGULAR MEETING
SHELDON TOWN BOARD
March 17, 2015**

The Regular Meeting of the Sheldon Town Board held March 17, 2015 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, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Attorney David DiMatteo, Highway Superintendent David Ricketson
Also Present: Scott Mattison, Chatfield Engineers. A signed list of those present is on file in the Town Clerk's office.

Minutes

A motion was made by Brian Becker and seconded by Mike Armbrust that the minutes from the February 17, 2015 regular meeting and the minutes from the special meeting on February 25, 2015 be approved.

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

Communications

The Town Clerk reported on the following:

#10 Town Clerk Conference

The Town Clerk asked permission to attend the NYS Town Clerk Association annual conference in Rochester, NY on April 26-29.

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize the Town Clerk to attend the NYS Town Clerk Association conference in Rochester, NY on April 26-29, 2015.

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

#11 Fire Department Reports

The Town Clerk received financial reports and lists of officers from the Strykersville Fire Department and the Sheldon Fire Department.

#12 Strykersville Seniors

The Strykersville Seniors sent a financial report and a thank you to the Town Board.

#13 Town Hall Landscaping

The Town Clerk called Maple Environmental, the landscaping company that handled the landscaping at the hall last year. They are willing to offer the same quote they provided in June 2014 for the 2015 landscaping. The amount would be \$1,200 for landscaping services May 1, 2015 through October 31, 2015. Councilman Kirsch asked the Clerk to confirm that they would take care of any lawn damage caused by the winter. Supt. Ricketson responded that his department will assist in this capacity.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize Maple Environmental to perform landscaping services at the Town hall at a rate of \$1,200 from May 1, 2015 to October 31, 2015.

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

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Highway Superintendent's Report

Sheldon Highway Superintendent David Ricketson reported on the following:

Truck #230 – 2006 Peterbilt

The 2006 Peterbilt broke down on Folsomdale Rd. in February. The truck is still at RS Maher's. Highway Superintendent distributed the following five quotes he received for repair of the truck:

Company	Address	Quote
Marquart Repair & Equipment Sales	5195 Route 19, Gainesville, NY 14066 585-493-5174	\$17,982.16
Jack's Repair Service	2339 N Rd, Scottsville, NY 14546 585-538-2399	\$19,791.19
Wyoming Diesel	3625 Maxon Rd. Varysburg, NY 14167 (585) 535-9928	\$20,000.00
Caledonia Diesel	2905 Simpson Rd., Caledonia, NY 14423 585-538-4395	\$25,136.07
RS Maher & Son Inc	3200 Route 39, Bliss, NY 14024 585-322-8878	\$26,409.25

The Town Board and the Highway Supt. had a short discussion on the repair of the 2006 Peterbilt. The following statements were made:

- Supt. Ricketson does not have a concern with the lowest bidder. Marquart is a reputable operation.
- The condition of the 02 is such that the Highway Supt. would not recommend keeping it
- Currently the 06 will not even start
- It is not known at this time how much labor RS Maher has already put into the 06
- The tow to Marquart has been paid

A motion was made by Brian Becker and seconded by Vince Kirsch to award the bid for repairs of the 2006 Peterbilt to the lowest bidder, Marquart Repair & Equipment Sales, 5195 Route 19, Gainesville, NY 14066 in the amount of \$17,982.16.

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

Truck #237 – 2002 Peterbilt

The truck has an axle problem. The bearing in the hub is shot. The cost to have a new spindle installed is \$1,704.51.

Recent Accidents with Highway Trucks

The Highway Supt. was involved in a minor accident on Folsomdale Road. During whiteout conditions the Highway Supt. and a Town resident side swept each other. The side view mirrors came off and both vehicles were marked up. While driving the new Western Star plow, Highwayman John Herrmann was rear ended by a town resident on Bartz Rd. The plow truck was not damaged. Both of these accidents occurred on the same day at practically the same time.

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Fuel Costs

The Highway Supt. reported on the cost of fuel for 2014 and 2015. In 2014 at this time the cost of fuel was \$9,447, so far in 2015 the cost is \$6,984.

Highway Supt. Ricketson left the meeting after his report at 7:35 p.m.

Supervisor's Report

Supervisor Knab reported on the following items:

Snow & Ice Payment

The snow & ice check was received in the amount of \$19,527.00.

IDA Pilot Payment

The Town received a check for \$39,332.83 from the Wyoming County IDA for the wind project.

Varysburg Water Lines

There were a number of frozen lines in Varysburg the past couple of weeks.

Wyoming County Bills

The bills for February 2015 were \$2,347,111.57.

Public Hearing – Sale & Use of Sparklers

The County will hold a public hearing on April 14, 2015 for a proposed local law to authorize the sale and use of sparkler devices. This local law would not permit the sale of fireworks – it would only allow sparkler devices.

Town Finance School

Supervisor Knab would like to attend finance school to look into options for conducting an exit audit before he leaves office.

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Supervisor to attend town finance school on May 14-15, 2015 in Rochester, NY.

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

Unfunded Mandates & The County Budget

Supervisor Knab reported that the County has approximately \$20 million it is obligated to pay in unfunded mandates. \$8 million of this is for Medicaid payments. The County collects approximately \$18 million in property taxes. The \$17 million that the County collects in sales tax is what is used to operate the County.

Varysburg Water BAN

A motion was made by Mike Armbrust and seconded by Joe Meyer to renew the BAN for the Varysburg Water Project for one year and to authorize the law office of David M. DiMatteo to prepare the paperwork.

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

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Acceptance of Reports

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

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

Old Business

Special Meeting with Architect (THIS RESOLUTION IS RESCINDED LATER IN THE MINUTES)

A motion was made by Brian Becker and seconded by Vince Kirsch to schedule a meeting with architect Heather Nemec on Tuesday, March 24, 2015 at 7:00 p.m. at the Sheldon Town Hall to review plans for the town court remodel.

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

Grant Money – Prevailing Wages

Attorney DiMatteo advised the Board that the town hall renovation will require prevailing wages because the funding comes from the Justice Court fund. The Justice Court Office will send a representative to complete an audit of the renovation project. The Varysburg Water Project will also require prevailing wage.

Town Hall Floor Sample – Testing

Councilman Kirsch will take a piece of the town hall floor tile to an environmental company for asbestos testing.

Town Hall Generator

Councilman Becker met a Kohler generator representative while attending the Buffalo Home Show. He will forward contact info to Supervisor Knab. Councilman Meyer contacted Warning Electrical in East Aurora – they do not have any generators that would fit our needs.

Open Public Hearing – Varysburg Water Project 2

At 7:55 p.m. Supervisor Knab opened the public hearing for the Varysburg Water Project #2.

New Business

Arcade Herald Subscriptions

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the renewal of sixteen 2-year subscriptions to the Arcade Herald newspaper.

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

Sauna Town Park

Supervisor Knab distributed an email that was received from a Varysburg resident suggesting a sauna be installed at the Town park. The Town Board expressed their opposition to such an idea.

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Payroll Software – Williamson Law

A motion was made Brian Becker and seconded by Joe Meyer to authorize the Town Supervisor to sign the payroll software contract with Williamson Law Company.

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

Assessor - Mileage

Supervisor Knab asked the Board's input on paying the Assessor for mileage. In the past, the Town has never reimbursed for mileage of site inspections/visits. The Board asked to table discussion on the matter until after the special meeting with the Assessor on the 26th of March.

Receipt of Court Grant Funding

The Town received the grant money from the Justice Court fund, however, the Justice Court Fund mistakenly deposited the money into the Highway Money Market account. The Town Bookkeeper will transfer the \$24,500.00 into a separate General account set up for grant funding.

Opening of Checking Accounts – Grants

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the opening of a separate interest bearing bank account for the excess tax levies in the Lighting Districts as well as a separate checking account (CR Grants) for any grant money received.

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

Public Comments – Varysburg Water

Attorney DiMatteo explained why there are now two Varysburg Water Projects. Project #1 utilizes the funding (loan) received from the USDA. Because the bid numbers received from contractors were higher than initially anticipated, Project #1 had to be scaled back to work within the loan amount. Supervisor Knab contacted Senator Patrick Gallivan to ask for his assistance in obtaining more funding. Senator Gallivan was successful in obtaining \$50,000.00 for the project. An additional \$20,000 will be utilized from the reserves set up in the original budget. Therefore, Project #2 will not change the net dollars that will be billed to the customers of the water district. Scott Mattison, Project Engineer for Chatfield Engineers was in attendance at the meeting. Mr. Mattison reported that the School Street portion of the project has been eliminated from the project due to budget constraints. Mr. Mattison explained that School Street was chosen because it has newer lines compared to other portions of the district. The original water lines were installed between the years of 1928-1938. The School Street lines were installed in the 1950's. School Street residents in attendance at the meeting voiced their concerns with School Street being eliminated from the scope of work. Attorney DiMatteo responded that a "Phase 3" of the project will most likely be inevitable and at that time School Street will most likely be addressed. Mr. DiMatteo stated that if there is an emergency situation and those (School Street) lines have to be repaired immediately, then they will be repaired. Councilman Becker stated that as the water rates increase for customers of the district the availability of grant money becomes more likely. Mr. Mattison stated that the current reservoir is on 4-H land and will remain there. The new reservoir will be sited on Town owned land. Varysburg residents Henry Haas and Carolyn Almeter asked if the hydrant in front of their house will be replaced. Supervisor Knab responded that yes, it will be replaced. Supervisor Knab stated that the district

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is pumping 70,000 gallons a day but only selling 20,000-22,000 gallons. The rest is being lost to leaks. Ms. Almeter asked when the project will start. Mr. Mattison responded that we are weeks away from a pre-construction meeting and that the project must be completed within 150 days from when the notice to proceed is signed. At 8:30 p.m. Mr. Mattison left the meeting.

Close Public Hearing

At 8:30 p.m. a motion was made by Vince Kirsch and seconded by Mike Armbrust to close the public hearing on the Varysburg Water District Project #2.

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

Resolution – Varysburg Water Project 2

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, due to the age and deteriorating condition of many of the Varysburg Water District's facilities, including the age and condition of the existing supply and distribution line, water *projects* have been proposed to upgrade the system; and

WHEREAS, a previous project was approved in 2013 to upgrade the facilities and lines, that would only provide service to Stony Brook Creek, not continuing further beyond the creek crossing, due to cost limitations; and

WHEREAS, a second water project has been proposed to add distance in line beyond Stony Brook Creek, this part will continue under the creek crossing and East on 20 A for a period; and

WHEREAS, the second water project which will service the remainder of the Varysburg water District including the Stony Brook Creek Crossing, a portion of 20 A East excluding School Street and will cost \$70,000; and

WHEREAS, it is the understanding of the Town Board that this portion of the project shall virtually be a zero dollar project for the Town due to the fact that \$50,000 will be from the receipt of a New York State Grant and \$20,000 will be utilized from the Water District Fund to meet the \$70,000 cost requirement; and

WHEREAS, pursuant to §202-b of the Town Law for the State of New York, the Town Board has held a Public Hearing to hear all residents interested in the subject matter thereof on March 17, 2015; and

WHEREAS, any cost or expense incurred pursuant to the authority granted by this said section 202-b shall be a charge against the district and assessed, levied and collected in the same manner; however, it is believed that this will be a zero dollar project for the Town of Sheldon; and

WHEREAS, the Town Board feels it is in the best interests of the Town of Sheldon to authorize the second water project to add distance in line beyond Stony Brook Creek, this part will continue under the creek crossing and East on Route 20 A for a period;

NOW ON MOTION OF Mike Armbrust which has been duly seconded by Vince Kirsch, now therefore

BE IT RESOLVED, that the Town Board of the Town of Sheldon hereby authorizes the second water project to add distance in line beyond Stony Brook Creek, this part will continue

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under the creek crossing and East on Route 20 A for a period

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

Fund Transfer

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the transfer of \$25,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for March 2015 bills and payrolls.

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

Bids – Fuel Oil

The fuel bids were supposed to be opened at the February meeting, however, at the February meeting, there were no bids received. Upon checking with Reisdorf Oil on February 18th, Supt. Ricketson was informed that there was a bid submitted and left in the highway garage with the Reisdorf delivery slips. The Town Clerk held on to the sealed fuel bid for opening at tonight's meeting.

A motion was made by Brian Becker and seconded by Joe Meyer to award the fuel bid to Reisdorf Oil Reisdorf Oil & Propane for regular unleaded gasoline and diesel fuel. The contract is valid March 1, 2015 to February 29, 2016 with an option to extend the contract each year for three (3) years.

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

Procurement Policy

Attorney DiMatteo advised that the Town should consider updating its procurement policy. He distributed a sample policy for the Board's review.

Bills

The Town Clerk had two late additions to the abstracts. Councilman Becker asked if the memo was distributed to employees stating that no late bills would be accepted. The Town Clerk responded that the memo has not been distributed yet, but that the Town Bookkeeper will take care of it.

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

A motion was made by Mike Armbrust and seconded by Joe Meyer that the

General Bills #71 to #105 for a Total of \$16,144.15, the
Highway Bills #36 to #55 for a Total of \$56,597.62, the
Trust & Agency Bills #8 to #12 for a Total of \$2,609.30 the
Varysburg Water District Bills #15 to #18 for a Total of \$1,575.25 the
Capital Project Bills #7 to #8 for a Total of \$823.40 and the
Lighting District Bills for a Total of \$809.20 be paid.

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

Comments from the Floor

Varysburg resident Mark Parton, asked if there was any word on the hazard mitigation project. Supervisor Knab responded that the project is ready to go to bid as soon as the weather breaks.

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Adjournment

A motion was made by Brian Becker and seconded by Joe Meyer to adjourn the March 17, 2015 meeting of the Sheldon Town Board.

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