

**REGULAR MEETING
SHELDON TOWN BOARD
May 20, 2014**

The Regular Meeting of the Sheldon Town Board held May 20, 2014 at the Sheldon Elementary School, was called to order by Town Supervisor John Knab at 1:00 p.m.

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

Absent: Councilman Armbrust

Also Present: Arcade Herald reporter Brianna Naughton, Zoning Officer Ken Martin, the fourth grade class of Sheldon Elementary. 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 Vince Kirsch that the minutes from the April 22, 2014 regular meeting be approved.

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

Communications

The Town Clerk reported on the following:

Thank You

#27 Thank you note to the Town Board received from Doris Kirsch for the recognition of her husband Bill at the April meeting.

North Java Fire Company

#28 List of North Java 2014 Fire Company Officers received from Mason Meyer

Grant Writing Seminar

#29 The Town Clerk was contacted by Kathryn Hollinger, Grant Coordinator for the Arts Council for Wyoming County to schedule a grant writing seminar at the Sheldon Town Hall. A tentative date of Thursday, September 4th has been set.

NYS Town Clerk Conference

#30 The Town Clerk thanked the Board for the opportunity to attend the NYS Town Clerk Association Conference. At the Conference, the Town Clerk received her Registered Municipal Clerk certificate.

Summer Swim Program

#31 Field trip and swim sign-ups will be held at the Town hall on May 28th and May 31st.

Reports

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

Highway Superintendent's Report

Highway Superintendent Ricketson reported on the following:

Paving Humphrey Rd.

The Dept. would like to have Humphrey Rd. paved by the end of May but it will probably be pushed back to 2nd week of June.

Bloecher Rd.

The Dept. hopes to shim up Bloecher Rd. between Dutch Hollow and North Sheldon before AgriPalooza on June 8th.

Equipment

The 2006 Peterbilt, truck #230 had to have brake work.

Roller

The 1970 roller is at Tom Maplesden's for repair. It doesn't sound good will find out later today what the status is. Rollers are extremely expensive \$30,000 for a used one. Councilman Fontaine asked if they could borrow one from the County. Hwy. Supt. Ricketson responded that the County roller is not the right size.

Supervisor Report – Supervisor John Knab reported on the following:

Varysburg Water

The Water project is still slated to go to bid soon and the project to be completed this fall.

County Bills

The County bills were \$2,822,299.68 for the month of April 2014.

Assessment Letter – Varysburg Water Property

The Town received a bill for \$275 for the new property purchased for the Water reservoir. Supervisor Knab will contact the Town Assessor on the matter.

Planning Board Appointment

Supervisor Knab stated that Wayne Abbott is the Acting Chair of the Town Planning Board replacing Frank Moffatt. Supervisor Knab is looking for another individual to serve on the Board.

Acceptance of Reports

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

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

Old Business

Trees For Schoolhouse

The Society is considering planting lilacs instead of replacing the trees.

Town Hall Remodel

Councilman Kirsch distributed the RFP he wrote for the Town hall remodel project. The Town Board chose five engineers to receive the RFP. The Town Clerk will work with Councilman Kirsch to send the RFP and drawings to the chosen engineers via email.

A motion was made by Vince Kirsch and seconded by Brian Becker to approve the RFP document and authorize the Town Clerk to send it to the five engineers chosen.

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

Wyoming County Chamber of Commerce

A motion was made by Vince Kirsch and seconded by Jim Fontaine to approve the Town of Sheldon's membership with the Wyoming County Chamber of Commerce at the annual membership rate of \$115.

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

Wyoming County 4-H Signs

A motion was made by John Knab and seconded by Jim Fontaine to authorize the purchase of three Wyoming County 4-H Welcome signs at a cost of \$61.22 per sign.

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

Sale of 2011 Ford Truck

The 2011 Ford pickup truck has been listed on Auctions International and has not reached a bid of \$20,000 yet. The Town Board authorized the Highway Supt. to leave the truck listed on Auctions International for a couple more weeks or until a \$20,000 bid has been reached.

New Business

Public Hearing – Special Use Permit – Roger Almeter

The Town Clerk published the notice of the public hearing in the May 8, 2014 Arcade Herald. A motion was made by Jim Fontaine and seconded by Brian Becker to open the public hearing regarding the issuance of a special use permit to Roger Almeter to erect two residential wind turbines on lot no. 67-1-35.1, 2690 North Sheldon Rd., Strykersville, NY 14145.

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

A resident present at the Board meeting asked the Board to consider delaying a decision for another month to allow the public to learn more about the project. The Town Clerk noted that publication of the public hearing before the Zoning Board of Appeals was published in the Arcade Herald. Today's public hearing was also advertised in the Arcade Herald. Notices were also posted to the Town website, on the Town bulletin board and in an email newsletter. Certified letters were also mailed to all landowners within 1000 ft. of the Almeter property.

At 2:24 p.m. a motion was made by Vince Kirsch and seconded by Brian Becker to close the public hearing regarding the issuance of a special use permit to Roger Almeter to erect two residential wind turbines.

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

Special Use Permit Approved – Roger Almeter

A motion was made by Jim Fontaine and seconded by Brian Becker to approve the issuance of a special use permit to Roger Almeter to erect two residential wind turbines.

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

Public Hearing – Local Law 1-2014 – Varysburg Water Regulations

Public notice of the public hearing was published in the May 8, 2014 Arcade Herald, on the Town website and on the Town bulletin board.

At 2:24 p.m. a motion was made by Jim Fontaine and seconded by Brian Becker to open the public hearing on proposed Local Law 1-2014 entitled, “Providing Rules and Regulations for Water District(s) in the Town of Sheldon, including the Varysburg Water District”

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

Close Public Hearing

At 2:30 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to close the public hearing on Local Law 1-2014 – Varysburg Water Regulations.

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

Adoption of Local Law 1-2014 – Varysburg Water Regulations

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 established the Varysburg Water District and by resolution of the Town Board dated December 23, 1976 outlined its rules and regulations for said water district; and

WHEREAS, the Town of Sheldon is considering a proposed local law that will update these rules and regulations for the Varysburg Water District and any future water district(s) in the Town of Sheldon; and

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on May 20, 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 interests of the Town of Sheldon to adopt said law.

NOW ON MOTION OF Brian Becker, which has been duly seconded by Vince Kirsch, 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. 1 of 2014 entitled, “Providing Rules and Regulations for Water District(s) in the Town of Sheldon, including the Varysburg Water District” 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: (4) Knab, Becker, Fontaine, Kirsch Nays: (0) Absent: (1) Armbrust Motion Carried.

Authorization to Spend Town Highway Funds

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the signing of the agreement to spend town highway funds in the amount of \$559,342.40.

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

Set Date – Public Hearing Local Law ATV's

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 foster and encourage all types of agriculture and open space, including recreational facilities; and

WHEREAS, the goal is the encouragement of land owners and organizations to develop trails for use by motorized vehicles and trails have been developed within the Town and 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 therein to legally travel on all Town of Sheldon roads for the express purpose of going from one trail to another trail; and

WHEREAS, the Town Board of the Town of Sheldon finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Jim Fontaine which has been duly seconded by Vince Kirsch, be it

RESOLVED, by the Town Board of the Town of Sheldon will hold a public hearing on the proposed adoption of said local law on the 17th day of June 2014 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

Set Date – Public Hearing Special Use Permit – Patrick George

A motion was made by Jim Fontaine and seconded by Vince Kirsch to schedule a public hearing on June 17, 2014 at 7:30 p.m. to consider the issuance of a special use permit to Patrick George, 1855 Perry Rd., North Java, NY 14113 for the construction of a wind turbine on lot 104-1-20.2.

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

Assessor Training

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize Town Assessor, Ken Pike, to attend training in Ithaca July 14-17, 2014 at a cost of \$400.

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

The Town will split the total cost of \$800 with the Town of Middlebury.

Closing Manley Road – July 4th

A motion was made by Brian Becker and seconded by Jim Fontaine to authorize the closing of Manley Rd. on July 4th and 5th.

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

Night at the Movies – Town Park

The Town Clerk informed the Board that she has been in contact with a salesperson from Criterion Pictures about purchasing a movie license to show an outdoor movie. The Board will discuss the movie night at their June meeting.

Adoption of Wyoming County Multi-Jurisdictional All Hazard Mitigation Plan

A motion was made by Jim Fontaine and seconded by Brian Becker to adopt the Wyoming County Multi-Jurisdictional All Hazard Mitigation Plan dated May 19, 2014.

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

Copier Machine – Town Hall

The Town Clerk contacted Toshiba and Complete Office Solutions to request bids on a new copy machine. Complete Office Solutions chose not to submit a quote. Toshiba was awarded the NYS contract for copiers. Toshiba offered a purchase price of \$4,095, a 39 month lease of \$118/month and a 63 month lease of \$83/month. In addition, whether purchased or leased, the service agreement would be: \$24.75/month for up to 2500 black and white images per month and \$19.75/month for up to 250 color images per month. The Town Board asked the Town Clerk to contact Toshiba and inquire as to whether the service agreement must be started immediately upon purchase.

A motion was made by Brian Becker and seconded by Jim Fontaine to table discussion of a new copy machine until June 17, 2014.

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

Lawn Mower

Highway Supt. Ricketson provided prices on a new lawn mower. The prices range from \$3,000 to \$4,100. Java Farm Supply has a zero turn for \$4,100 and Tractor Supply has one for \$3,500.

Lawn Maintenance & Landscaping

A motion was made by Jim Fontaine and seconded by Brian Becker to have the Town Supervisor obtain quotes for lawn service and landscaping at the Town hall.

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

Varysburg Water Capital Project –Authorizing a Bond Anticipation Note (BAN)

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, Bond Anticipation Note No. 1 of 2014 to pay invoice No. 13-1072-7 in the amount of \$6,609.80, Invoice No.13-1072-8 in the amount of \$4,252.00, Invoice No. 13-1072-9 in the amount of \$17,008.00 for costs and fees incurred by Chatfield Engineers for the Varysburg Water System Improvements a total amount of \$27,869.80 has been incurred; and

WHEREAS, the Town Board of the Town of Sheldon, after due deliberation, finds it in the best interest of the Town of Sheldon to authorize the said BAN in the amount of \$28,000.00.

NOW ON MOTION OF Jim Fontaine, which has been duly seconded by Brian Becker, now therefore, be it

RESOLVED, that the Town Board of the Town of Sheldon hereby authorizes a Bond Anticipation Note authorize the said BAN in the amount of \$60,000.00 ; and

BE IT FURTHER RESOLVED that the above-mentioned note is being financed by the issuance of a Bond Anticipation Note, known as Bond Anticipation Note No. 1 of 2014 for \$60,000.00; and

IT IS FURTHER RESOLVED that the Supervisor of the Town of Sheldon authorized the

issuance of the bond anticipation note.

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

Chatfield Engineers Payment

A motion was made by Vince Kirsch and seconded by Brian Becker to authorize payment to Chatfield Engineers as soon as the BAN paperwork has been processed.

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

Fund Transfer

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the transfer of \$30,000 from General Money Market A9901.9 to Highway Money Market DA5031 for May bills and payroll.

Ayes: (4) Knab, Becker, Fontaine, Kirsch Nays: (0) Absent: (1) Armbrust 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 Brian Becker that the

General Bills #127 to #165 for a Total of \$12,224.62, the

Highway Bills #94 to #114 for a Total of \$37,733.20, the

Trust & Agency Bills #20 to #23 for a Total of \$1,677.48 the

Varysburg Water District Bills #29 to #35 for a Total of \$1,392.68 the

Capital Project Bills #3 for a Total of \$410.94 and the

Lighting District Bills for a Total of \$696.44 be paid.

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

Comments from the Floor

Historical Society

On behalf of the Sheldon Historical Society, Betty Reisdorf, thanked the Board for paying for the removal of the dead maple trees at the schoolhouse.

Wind Turbine Compliance

Mary Kehl asked the Board to consider how the Town will verify that residential wind turbines have abided by all requirements in the Local Law.

Adjournment

A motion was made by Brian Becker and seconded by Jim Fontaine to adjourn the May 20, 2014 meeting of the Sheldon Town Board.

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