

**REGULAR MEETING
SHELDON TOWN BOARD
May 19, 2015**

The Regular Meeting of the Sheldon Town Board held May 19, 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
Highway Superintendent David Ricketson

Also Present: A signed list of those present is on file in the Town Clerk's office.

Minutes

A motion was made by Mike Armbrust and seconded by Joe Meyer that the minutes from the April 21, 2015 regular meeting be approved.

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

Communications

The Town Clerk reported on the following:

#17 Planning Board Resignation

The Board was notified that Elaine Almeter resigned from the Town Planning Board.

Reports

Financial Reports were presented for the month of April 2015 from the Town Supervisor, Town Clerk and the Town Justices. A fund balance report was also distributed to the Board.

Highway Superintendent's Report

Sheldon Highway Superintendent David Ricketson reported on the following:

Highway Work

The Highway Dept. has been busy grading gravel roads. The Dept. has borrowed Town of Aurora's roller to do some shimming.

Televisions Left on the Roadside

The Highway Supt. reported that there have been many television sets left on the roadside. Waste Management will not pick up televisions leaving the sets lay by the roadside for months. The Highway Supt. asked about the possibility of collecting TV's at the hall. The Board asked the Town Clerk to notify residents via the Town email newsletter that television's cannot be left by the road. The Board suggested that residents make use of area recycling events such as the one sponsored by Senator Gallivan. The Town Clerk advised that the GLOW Region Solid Waste Management Committee is hosting a recycling event in September in Warsaw. When the date has been set she will advertise it to Town residents.

Salt Order

More salt has been ordered – just waiting for delivery.

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Sale of 2003 Peterbilt

The 2003 Pete received a final bid of \$61,600 on Auctions International. The highest bidder was M1 Transport.

Supervisor's Report

Supervisor Knab reported on the following items:

Varysburg Water Update

Drilling is taking place under Tonawanda Creek as of today. Work is progressing on schedule.

Missing Meter – Varysburg Water Resident

Supervisor Knab informed the Board of a residence that had the water meter removed at their premises. The Town Attorney has been contacted by Supervisor Knab regarding the issue.

Town Equalization Rate

The Town of Sheldon's equalization rate is 86% for 2015. It was 89% in 2014.

Mortgage Payment

The Town received a check from the Wyoming County Treasurer for \$9,877.71 – this is the first payment of a semi-annual mortgage tax payment.

Storm Damage Payment

The Town received \$18,017.44 from Homeland Security for winter storm damage.

Tax Collector Payment

The Town also received a check of \$2,210 from the Town Tax Collector, Donna Almeter – this will then balance out her account until next tax collection season.

Special Public Forums – Wyoming County Board of Supervisors

The June 18th meeting has been moved from the Supervisor Chambers to the Warsaw Central School cafeteria at 7:30pm. The May 30th forum will be held at the Castile Town Hall at 11:00 am.

Acceptance of Reports

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

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

Old Business

Town Hall Remodel

Councilman Kirsch discussed the RFP's received from asbestos testing companies. There were four RFP's received from the five companies contacted.

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RFP's were received from the following:

- Stohl Environmental, 4169 Allendale Pkwy., Buffalo, NY 14219
- Watts Engineering, 95 Perry St., #300, Buffalo, NY 14203
- UNYSE, 356 Austin St., Buffalo, NY 14207
- Sienna Environmental, 350 Elmwood Ave., Buffalo, NY 14222

Paradigm Environmental was contacted but did not submit an RFP.

Councilman Kirsch expressed to those present that even if more asbestos is found – the Town is not mandated to remove it but they must notify contractors of the report. The Board asked Councilman Kirsch which company had the lowest rates. Councilman Kirsch responded that it looks like Stohl Environmental has the lowest rates. The Board is aware that August 25, 2015 is the deadline for funds to be spent on the renovation project.

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize the hiring of Stohl Environmental, 4169 Allendale Pkwy., Buffalo, NY 14219 to identify asbestos in the town hall building.

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

Councilman Kirsch will contact Stohl Environmental to see if they can expedite their services. The Board agreed to have a special meeting as soon as results are received which may mean a short notice meeting in the first or second week of June. The Board would like architect, Heather Nemec, to have a construction RFP ready by June 17, 2015, the date of the next Town Board meeting.

Town Hall Generator

Supervisor Knab contacted Capital Heat to inform them that they were the low bidder on a 20kw air cooled generator. They requested a copy of the board resolution which was sent by the Town Clerk. It may be a 5-6 weeks before installation.

New Business

15kw Generator Declared Surplus Equipment

A motion was made by Vince Kirsch and seconded by Brian Becker to declare the town hall 15kw generator as surplus equipment.

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

Change in Date of June Regular Board Meeting

A motion was made by Joe Meyer and seconded by Mike Armbrust that the June meeting date be changed from Tuesday, June 16, 2015 to Wednesday, June 17, 2015 at 7:00 p.m. at the Sheldon Town Hall.

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

Amending March 12, 2013 Bond Resolution

Brian Becker presented the following resolution and duly moved that it be adopted and was seconded by Mike Armbrust:

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RESOLUTION, DATED MAY 19, 2015 AMENDING BOND RESOLUTION DATED MARCH 12, 2013 AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF SHELDON TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Varysburg Water District is a Water District of the Town of Sheldon, New York, duly established by the Town Board pursuant to the Town Law and the issuance of notes and bonds of the Town not to exceed \$1,054,000 have been duly authorized pursuant to a bond resolution dated March 12, 2013 (the "Original Bond Resolution"); and

WHEREAS, on March 17, 2015, the Town of Sheldon duly authorized an increase and improvement of facilities pursuant to §202-b of the Town Law and it is now desired to amend the Original Bond Resolution to increase the estimated maximum cost of the water improvements and to revise the stated plan of financing; and

WHEREAS, the Town of Sheldon has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") with respect to the purpose hereinafter described and the financing therefor and issued a negative declaration under SEQRA, dated May 1, 2012; now therefor, be it RESOLVED BY THE TOWN BOARD OF THE TOWN OF SHELDON, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. Section 1 of the Original Bond Resolution, dated March 12, 2013, is hereby amended, supplemented and restated as follows:

Section 1. The Town of Sheldon shall undertake the acquisition and construction of water improvements for the Varysburg Water District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, and replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,054,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose and said amount is hereby appropriated therefor.

Section 2. Section 2 of the Original Bond Resolution is hereby amended, supplemented and restated as follows:

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,124,000. The plan for financing of said purpose is to provide (i) up to \$1,054,000 from a USDA Rural Development loan to be evidenced by the issuance of bonds, as well as, bond anticipation notes in anticipation thereof as

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herein authorized; and (ii) up to \$50,000 from anticipated grant funds from New York State; and (iii) up to \$20,000 from the Water District Fund.

Section 3. All other provisions of the Original Bond Resolution remain in full force and effect, as hereby modified.

Section 4. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Sheldon, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 5. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Varysburg Water BAN

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the extension of the Bond Anticipation Note (BAN) in the amount of \$60,000.00 for the Varysburg Water Project (the USDA is holding this amount of \$60,000 in escrow).

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

The interest on the previous BAN \$747.92 will be paid – the voucher is included in tonight's bills.

Approval of Pay Application #1 – Varysburg Water Project

A motion was made by Vince Kirsch and seconded by Brian Becker to approve pay application #1 for the Varysburg Water System Improvement Project, in the amount of \$135,708.73, to Morsch Pipeline.

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

Fund Transfer

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the transfer of \$70,000 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.

Approval to Spend Town Highway Funds

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the agreement to spend Town highway funds with the Wyoming County Highway Department.

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

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Bills

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 #140 to #172 for a Total of \$12,576.90, the Highway Bills #84 to #100 for a Total of \$77,371.60, the Trust & Agency Bills #19 to #22 for a Total of \$1,272.28 the Varysburg Water District Bills #30 to #37 for a Total of \$5,265.30 the Capital Project Bills #12 to #15 for a Total of \$4,827.45 and the Lighting District Bills for a Total of \$809.17 be paid.
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Comments from the Floor

Supervisor Knab opened the floor to comments.

Top Soil for Town Cemeteries

A motion was made by Brian Becker and seconded by Joe Meyer to authorize the Town highway department to haul a load of top soil to town owned cemeteries in need of it.
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

Town Finance School

Supervisor Knab reported back on his attendance at finance school. The comptroller's office has investigated six highway superintendent's who have been caught taking Town supplies/equipment. The comptroller's office also agreed that it would be a good idea for Supervisor Knab to hire a CPA firm to conduct an exit audit when his term ends at the end of the year.

Adjournment

A motion was made by Brian Becker and seconded by Mike Armbrust to adjourn the May 19, 2015 meeting of the Sheldon Town Board.
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.