

**REGULAR MEETING
SHELDON TOWN BOARD
May 16, 2018**

The Regular Meeting of the Sheldon Town Board held May 16, 2018 at the Sheldon Town Hall was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Jim Fontaine, Joe Meyer, Vince Kirsch, Mike Armbrust
Recording Secretary: Town Clerk Carol Zittel
Also Present: Jacob Ente, representative from Assemblyman David DiPietro's office
Absent: David Ricketson, Highway Superintendent
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 April 18, 2018 regular meeting be approved.

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

Communications

Carol Zittel, Town Clerk, reported on the following:

#14 Addition to Tonight's Water Bills

The voucher to purchase the water meters from the Village of Warsaw was added to tonight's bills just before the meeting started. The voucher is in the amount of \$20,000.00.

#15 Sale of 2016 Chevy Pickup Truck

The 2016 Chevy sold at auction for \$24,000.00. After commission the town will receive \$21,600.00.

#16 Charter Communications/Time Warner Contract

The signed and executed franchise renewal agreement is on file in the Town Clerk's office.

#17 Movie Night

The Town Clerk was notified by the Wyoming County Office for the Aging that the Town of Bennington was unable to participate in the proposed joint movie night. Mary Kehl from Invenergy asked the Town Clerk to reach out to her about the possibility of Invenergy providing the funding for the Town of Sheldon to host their own movie night.

#18 Solicitor Permit

A young woman representing a book sales company, Southwestern Advantage, contacted the Town Clerk regarding obtaining a solicitor permit. The Town Board advised that the Clerk is directed to issue the permit as long as all permit requirements are submitted.

Representative from Assemblyman DiPietro's Office

Jacob Ente attended tonight's meeting on behalf of Assemblyman DiPietro. He asked the Board if there was anything they would like to pass on to the Assemblyman. Councilman Armbrust

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asked about funding for the Sheldon Volunteer Fire Company parking lot paving. Councilman Armbrust noted that the Assemblyman had mentioned years earlier at the fire hall's open house that he would be able to help with funding. Councilman Meyer asked about assistance with obtaining funding for the dredging of Silver Lake. The Town Clerk asked for information on how East Aurora obtains a movie license for its movie night. Mr. Ente said he will get back to us with a response from the Assemblyman's office.

Reports

Financial Reports were presented for the month of April 2018 from the Town Supervisor, Town Clerk and the Town Justices. The Town Supervisor also distributed a cash flow report and payroll reports.

Highway Superintendent's Report

Highway Superintendent Ricketson was absent from tonight's meeting.

Supervisor's Report

Supervisor Becker reported on the following:

Donation of Topsoil from Town of Wales

The Town of Wales donated topsoil for the landscaping at the Vincent Almeter Memorial Park in Varysburg. The Town Clerk is asked to send a thank you to the Wales Highway Superintendent.

Purchase of Water Meters from the Village of Warsaw

The Village of Warsaw will sell the Town of Sheldon 100 water meters at a cost of \$200 per meter. The Town had obtained a verbal quote on similar meters at a cost of \$240 per meter.

Certificate of Deposit

The one month certificate of deposit was rolled over at the same rate of .9%.

CHIPS Funding

CHIPS funding for 2018 is \$151,861.89. In 2017 it was \$111,000.00. In 2016 it was \$131,896.00.

Ag District Review

Ag district #4, which the Town of Sheldon is in, is undergoing an 8 year review through Wyoming County Soil & Water.

County Bills

County bills were \$3,673,583.60.

Acceptance of Reports

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

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

Old Business

Varysburg Water District Bids

The following contractors were given the specifications for both projects: Strykersville Plumbing & Heating, Strykersville Hardware, Doug Redden, Harding's Plumbing & Heating, Wyco Construction, TD Plumbing, RW Enterprise and Tim Vetter. The bid notice was also advertised in the Batavia Daily legal ad section.

Varysburg Water District – Open Bids Pumphouse Electric

Only one bid was received (from RW Enterprise) for the installation of the underground electrical service at the Varysburg pump house.

Varysburg Water District – Award Bid Pump house Electric

A motion was made by Vince Kirsch and seconded by Jim Fontaine to award the bid for installation of underground electrical service to the Varysburg water pump house to RW Enterprise, 5580 Evans Rd., Silver Springs, NY 14550 in the amount of \$5,600.00 per the bid specifications submitted on May 16, 2018.

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

Varysburg Water District – Open Bids Water Meter Installation

Two bids were received:

RW Enterprise, 5580 Evans Rd., Silver Springs, NY 14550 - \$24,640.00

Harding Plumbing & Heating Inc., 34 North Main St., Perry, NY 14530 - \$16,300.00

A motion was made by Vince Kirsch and seconded by Joe Meyer to award the bid to install the water meters in the Varysburg Water District to Harding Plumbing & Heating Inc., 34 North Main St., Perry, NY 14530 in the amount of \$16,300.00 per the bid specifications submitted on May 16, 2018.

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

Fund Balance Policy

The Town is still waiting for a proposed fund balance policy from Drescher & Malecki LLC.

Stone Wall – Strykersville Cemetery

Mike George of Brier Hill Contracting Inc. DBA/77 Construction submitted a quote of \$1,397.00 to repair the damaged stone wall at the Perry Road cemetery. Mr. George's company had originally installed the wall.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to hire Brier Hill Contracting, DBA 77 Construction, 1716 Alleghany Road, Attica, NY 14011 to repair the damage to the cemetery wall on Perry Rd. at a cost of \$1,397.00 per the April 16, 2018 quote.

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

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Voting Location

A motion was made by Jim Fontaine and seconded by Vince Kirsch to change the location of Town voting in the Town of Sheldon to the St. John Neumann Weber Hall on North Sheldon Rd. Ayes: (5) Becker, Kirsch, Fontaine, Meyer, Armbrust Nays: (0) Motion Carried.

Schedule Public Hearing – Proposed Local Law – Change in Town Clerk’s Term of Office

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 Board is concerned there would be a large deficiency in knowledge if the Town Supervisor and the Town Clerk are both replaced in the same election term; and

WHEREAS, the Town Board is considering adopting a proposed local law which would decrease the term of office of Clerk from four (4) years to two (2) years for one term and then then return to a four (4) year term thereafter to offset the election cycle for the Town Supervisor and Town Clerk; and

WHEREAS, therefore, the Town Board is considering a Local Law entitled “Change Of Town Clerk Term Of Office To Two Years For One Term And Then Resuming To A Four Year Term Thereafter”; 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 Joe Meyer, 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 6th day of June 2018 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard; and be it further

RESOLVED, that said local law is subject to mandatory referendum and shall become effective upon filing in the office of the New York Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

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

Main Street Garden – Strykersville – Kiwanis Update

Councilman Armbrust gave an update on the garden project.

- Stone was donated by Schwab
- Town highway dept. picked it up and spread it

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- Steve Beechler put stone under gazebo to stabilize it
- The gazebo was loaded on Supervisor Becker’s flatbed and delivered to the site
- Councilman Armbrust reported that the whole endeavor went really well and that Mr. Beechler did a great job planning
- Councilman Armbrust will tidy up the stone before yard sale weekend
- Councilman Armbrust, Councilman Kirsch and Supervisor Becker will reach out to local concrete contractors to see if they would be willing to donate time and/or material

Appropriation of Funds – Strykersville Garden

A motion was made by Vince Kirsch and seconded by Mike Armbrust to appropriate funding for concrete, reclaimer, sealer and other necessary materials for the Strykersville Main Street Garden project.

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

Supervisor Becker excused himself from the meeting at 8:30 p.m.

Donation of Time Policy – Union Request for Amendment to Contract

The Teamster’s Local 264 requested a Memorandum of Agreement outlining policies for donation of sick time for highway employees.

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to execute the memorandum of agreement between the Town of Sheldon and Teamster’s Local 264.

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

Supervisor returned to the meeting at 8:35 p.m.

**MEMORANDUM OF AGREEMENT
BETWEEN THE TOWN OF SHELDON AND TEAMSTER’S LOCAL 264**

The Town of Sheldon (hereinafter “Town”) and Teamster’s Local 264 (hereinafter “Union”) hereby enter into this agreement this 16th day of May, 2018.

WHEREAS, the Town would like to institute an agreement outlining the policies and procedures for Town of Sheldon employees to voluntarily donate sick time to another Town of Sheldon employee with serious health conditions or family related serious health conditions; and

NOW, WHEREFORE, the parties agree to the attached Administrative Policy and Procedures.

The parties listed below agree to and do incorporate herein this page as an addendum to the **2016-2020** Contract between the Town of Sheldon and Teamster’s Local 264.

Signed on behalf of:

Teamster’s Local 264:

John Herrmann, Union Steward

Date: _____

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_____ Date: _____
Lenny Blamowski, Union Representative

Town of Sheldon:

_____ Date: _____
Brian Becker, Town Supervisor

**TOWN OF SHELDON
ADMINISTRATIVE POLICY AND PROCEDURE**

Donation of Benefit Time

Policy: Procedure for the Town of Sheldon employees to voluntarily donate sick time to another Town of Sheldon employee with serious health conditions or family related serious health conditions.

Purpose: To provide Town of Sheldon employees a means of donating accrued sick time to co-workers on a voluntary basis who are experiencing serious health issues or a family member for which they are a care giver who is experiencing serious health issues.

Procedure:

- 1) The employee in need of a donation must submit a written request to the Highway Superintendent for review and approval. The Highway Superintendent shall make notification to the Town Board.
- 2) The employee experiencing the serious health issue must exhaust all of their available Sick and Personal leave accruals in order to be eligible to receive donated benefit time to their sick leave accruals. After the employee has exhausted all of their own benefit time, the donated benefit time will be added in increments as needed per pay period. While receiving/using donated benefit time, the employee understands they will not accrue any benefit time.

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- 3) Upon approval, a memo will be forwarded to all members of the Bargaining Unit by the department head informing them of the donation needed. Employees wishing to donate time will sign the donation form and indicate the amount of time in hours they wish to donate. Sick time will be the only type of benefit time that may be donated. The form will indicate this donation is strictly voluntary and will not be re-paid to the employee making the donation. The donation form must be returned to the Highway Superintendent and Town Bookkeeper.
- 4) In the event more than one (1) member wishes to donate, equal hours will be used from each donor to make up a regular paycheck. At no time will the co-worker in need receive more than the equivalent of a normal payroll.
- 5) Upon receipt of the Donated Benefit Time List, the Highway Superintendent will send a copy to the appropriate payroll department who will make the necessary changes to the employees involved.
- 6) If the employee has not returned to work and further donations are needed, another written request must be submitted as outlined in Section 1 of this policy.
- 7) In the event the employee is removed from payroll for any reason, the balance of donated time will be returned to the appropriate donor.

**TOWN OF SHELDON
BENEFIT TIME DONATION FORM**

I wish to donate the following benefit hours to: _____

I understand this donation of benefit time is voluntary and I will not be repaid.

Employee Name	Employee Signature	Sick Hours Donated

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Shared Municipal Service Agreement with Village of Warsaw – Reading of Meters

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the Town Supervisor to purchase 100 water meters from the Village of Warsaw (with the stipulation that the warranty is transferable) and authorization for the Town Supervisor to execute the agreement with the Village of Warsaw for meter reading services to the Varysburg Water District.

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

Councilman Kirsch requests that Supervisor Becker receive a letter in writing regarding warranty period and confirmation that the warranty is transferable.

The agreement is attached to the end of these minutes.

New Business

Special Use Permit – Hibsich Farm Animal Waste Management System

The Town Planning Board held a public hearing for the special use permit application to install an animal waste management system at the Hibsich Farm on Bartz Rd.. The Town Planning Board informed the Town Board that all appropriate paperwork was provided and submitted their recommendation that the Town Board approve the permit.

A motion was made by Jim Fontaine and seconded by Vince Kirsch to approve the special use permit for the Hibsich Farm on Bartz Road to install an animal waste management system.

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

Varysburg Water District – Water Tank Inspection

Supervisor Becker contacted Chatfield Engineers to obtain quotes for a water tank inspection of the Varysburg Water tank. Chatfield provided two quotes from two vendors:

Statewide Aquastore, 6010 Drott Dr., East Syracuse, NY 14057 - \$2,000.00 plus \$200 for cathodic protection test

Atlantic Underwater Services Inc., 2358 State Route 8, Lake Pleasant, NY 12108 - \$1,600.00 plus \$500 for cathodic testing

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize Supervisor Becker to hire Atlantic Underwater Services Inc., 2358 State Route 8, Lake Pleasant, NY 12108 to inspect the Varysburg water tank at a cost of \$2,000.00 with the addition of option D \$500.00 for a total of \$2,500.00 per the quote dated May 2, 2018.

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

Proclamation – Ken Martin Day

A motion was made by Mike Armbrust and seconded by Joe Meyer to declare June 10, 2018 as Ken Martin Day in the Town of Sheldon.

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

PROCLAMATION BY THE SHELDON TOWN BOARD

WHEREAS, Kenneth Martin was born in Sheldon, New York on April 4, 1928 to parents Arthur Martin and Agnes Becker; and

WHEREAS, Ken grew up on his father's dairy farm on Route 77 in Sheldon as the oldest sibling to four sisters: Theresa, Dorothy, Belle and Rosie and one brother Norm; and

WHEREAS, on May 30, 1953 Ken married Virginia Margaret Schwartz of East Aurora, New York; and

WHEREAS, Ken worked as a plumber running his own successful business Martin Plumbing; and

WHEREAS, Ken and Ginny still live in the house on Centerline Road where they raised five children: Ramona, Cheryl, Denise, Tim and Julie; and

WHEREAS, Ken and Ginny are the proud grandparents of eight grandchildren and two great-grandchildren; and

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WHEREAS, Ken Martin was an active member of the St. Cecilia's Parish and the Holy Name Society, coach of a Sheldon Little League Baseball team, invaluable member of the Sheldon Volunteer Fire Company; and

WHEREAS, Ken faithfully served the Town of Sheldon as the Town Zoning Officer for over forty years; and

WHEREAS, Ken's friends and family are gathering on June 10, 2018 to celebrate his 90th birthday; and now therefore

BE IT RESOLVED, that it is with great respect and admiration that the Sheldon Town Board does hereby proclaim

June 10, 2018 as Kenneth Martin Day in the Town of Sheldon

AND BE IT FURTHER RESOLVED, that the Town of Sheldon expresses its gratitude for his extraordinary service and wishes him the happiest of celebrations.

IN WITNESS THEREOF, I have hereunto set my hand and caused the SEAL of the **TOWN OF SHELDON** to be affixed this **10th day of June in the year 2018**.

Brian W. Becker, Supervisor
Town of Sheldon

Budget Transfer

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the transfer of \$100,000.00 from General Money Market A1083 to Highway Money Market DA1083.
Ayes: (5) Becker, Kirsch, Fontaine, Meyer, Armbrust Nays: (0) Motion Carried.

Zoning Complaint – D. Mills

Supervisor Becker advised the Board of zoning complaints received on the Mills property on Route 20A. The Town Zoning Officer has contacted the Town Attorney and a notice letter has been sent certified mail to Mr. Mills.

Bills

Supervisor Becker 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 #126 to #148 for a Total of \$17,831.22, the Highway Bills #67 to #86 for a Total of \$23,623.93, the Trust & Agency Bills #14 to #16 for a Total of \$515.08, the Varysburg Water District Bills #18 to #24 for a Total of \$48,511.85 and the Lighting District Bills for a Total of \$784.27 be paid.

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

Comments from the Floor

At 9:00 p.m. Supervisor Becker opened the floor to comments. There were none.

Adjournment

At 9:05 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the May 16, 2018 meeting of the Sheldon Town Board.

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