

**REGULAR MEETING  
SHELDON TOWN BOARD  
May 15, 2019**

The Regular Meeting of the Sheldon Town Board held May 15, 2019 at the Sheldon Town Hall was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker  
Councilmen: Mike Armbrust, Jim Fontaine, Vince Kirsch, Joe Meyer  
Recording Secretary: Town Clerk Carol Zittel  
Also present: David Ricketson, Highway Superintendent, Attorney David DiMatteo  
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 Vince Kirsch that the minutes from the April 17, 2019 regular meeting be approved.

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

**Communications**

The Town Clerk, Carol Zittel, reported on the following:  
There were no communications this month.

**Reports**

Financial Reports were presented for the month of April 2019 from the Town Supervisor, Town Clerk and the Town Justices. The cash flow and payroll reports were also presented.

**Introduction of Town Historian**

Supervisor Becker introduced the new Town Historian, Jeanne Mest, to the Board. Ms. Mest submitted a written report recapping her first few months in the position. The report is attached.

**Highway Superintendent's Report**

Highway Superintendent David Ricketson reported on the following:

**Road Work**

Roads are all swept of winter sand, we have started replacing some culvert pipes and driveway pipes as well as cleaning ditches that are immediate problems. But it is still much too wet to get rid of the spoils.

**Millings from County**

I have made a trade with Mr. Todd Gadd for the pile of millings at Harris Corners. I will use the millings to put a 12 inch lift on Bloecher Rd for Dutch Hollow east to approx. .5 miles ( the base of the hill below Zittels. Because the County did a mill and fill project we have a very good estimate of how much millings are there (2800 ton) We have also agreed to weigh the millings using the scales on our loader to confirm the tonnage. In return for the millings the County will purchase shoulder material for a future project from a pit closer to them and Sheldon Hwy will pay for that much material (the number to be determined) this way everyone wins by not having

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to use long distance trucking. The County may want this paid back next year in 2020 or 2021 so the board needs to be aware in the event there is new administration in Hwy after election. He or She would be responsible to repay this. We plan to start this after we pave Minkel rd. Attorney David DiMatteo was asked to draw up a memorandum of understanding between the County and the Town.

**Authorization for Memorandum of Understanding with County Highway**

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Town Attorney to draw up a memorandum of understanding between the County Highway Department and the Town of Sheldon regarding the pile of millings at Harris Corners.

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

**Paving Minkel Road**

We will be paving Minkel Rd on Monday May 20 and Tuesday May 21<sup>st</sup> to complete the section from Bartz Rd to where we finished last year at the snowmobile crossing.

**Equipment**

**1990 Champion** - The Differential on our 1990 Grader is broken. We have it out and had to send the shaft and gear out to get it pressed off the shaft. So far, the parts are going to be over \$7,000 and we need to have the shaft welded and tuned to fit the bearing as we can't find a shaft for it. I can't find brake shoes for it so I am having ours Re-lined for ½ the price of new if they were to be available.

**2012 Pete**- Sent to R.S. Maher with Oil Seal leak and squealing noise from air conditioning condenser. They had to replace condenser.

**2013 International**- Transmission code and brake light come up on computer screen, brakes got very poor. Took to R.S. Maher and is there now.

**2019 Skid Steer**- Is here, we have had it for 1 week now and use it for something almost daily!

**Supervisor's Report**

Supervisor Becker reported on the following:

**4-H Scholarship**

Supervisor Becker awarded a 4-H scholarship for a week at camp to Lee Marie Hyman from Strykersville.

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**Harris Corners Fire Dept. – Temporary Liquor License**

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to send a letter to the NYS Liquor Authority approving a temporary liquor license for the Harris Corners Fire Department picnic in August.

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

**Board of Elections Postcards**

The Board of Elections recently sent out postcards to all registered voters with the location of the polling site in 2019. The postcards had the wrong location on it, listing the Town Hall as the polling site. The Board of Elections was notified of the mistake and sent out new postcards that did not look as official as the original postcard to notify residents of the correct site which is: St. John Neumann Weber Hall at the corner of North Sheldon and Centerline Rd.

**Route 98 Creek Rebuild**

The creek on Route 98 is being rebuilt by the NYSDOT. Supervisor Becker believes this is due to Senator Gallivan’s office requesting the work. Jersey barriers have been put in and the creek is diverted. Rip rock has been installed.

**Kehl Special Use Application – Gas Station**

Attorney David DiMatteo asked for confirmation that the special use application from Bryan Kehl has been withdrawn. Supervisor Becker responded that it has.

**Acceptance of Reports**

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

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

**Garden Property – Strykersville**

Mike Armbrust reported that Beaver Meadow and the Kiwanis will be planting the garden on May 18<sup>th</sup> if anyone is available to assist. Beaver Meadow received a grant to pay for the plants.

**Garden Property – Beaver Meadow Presentation**

Beaver Meadow representative, Mark Carra, will be putting on a presentation on the native plants used at the garden property on June 12<sup>th</sup> at 7:30 p.m. at the Historical Society.

**Zoning Law Rewrite**

The Town Supervisor, Town Clerk, Town Zoning Officer, County Codes Officer and Attorney David DiMatteo will meet on June 5, 2019 to review the proposed zoning law. Mr. DiMatteo had some comments on the new proposed law:

- The set up of the new law is difficult to use
- References to state laws and regulations is problematic because state laws change. I would rather refer them to the actual law.
- Definitions should be at the front of the law

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- Concerns over Sections 4000 and 5000

**County Model of Zoning Law**

Supervisor Becker noted that the County Building & Codes office is working on a model zoning law for Wyoming County towns to utilize. The status of the project is not known.

**Deanne Siemer's Notes on Zoning Law Changes**

Ms. Siemer explained that the Planning Board did not want her to lobby or communicate with Mr. DiMatteo. If she had been permitted to do so, she would have provided Mr. DiMatteo with a table that highlighted the changes from the current zoning law to the new proposed law.

A motion was made by Vince Kirsch and seconded by Brian Becker to request that Ms. Siemer provide David DiMatteo with documentation that would assist in comparing the current and proposed zoning law.

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

**Engineering Quote – Varysburg Water - School Street**

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to provide David DiMatteo with a map of the proposed Varysburg Water line upgrade so that his office may send out RFP requests to engineering firms.

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

**Solar Law**

Mr. DiMatteo explained that the current Solar Law restricts large solar development to only industrial zoned areas in the Town. Mr. DiMatteo noted that this is very restrictive and asked if that was the Board's intention? Deb Kirsch, Planning Board member, responded that the Planning Board was trying to preserve agricultural land. Councilman Fontaine responded that he thinks solar is a good thing and that there is land that farmers aren't working and they would be interested in solar projects.

**TOWN OF SHELDON RESOLUTION  
RELATING TO THE PROPOSED LOCAL LAW ENTITLED "REGULATING SOLAR  
ENERGY SYSTEMS" IN THE TOWN OF SHELDON**

**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 of the Town of Sheldon is considering a proposed local law, entitled "Regulating Solar Energy Systems", to regulate large and small scale solar projects within the Town of Sheldon; and

**WHEREAS**, the Town of Sheldon recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an

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energy resource that can act to attract and promote green business development, with the proper permitting; and

**WHEREAS**, the Town Board of the Town of Sheldon, feels it is in the best interest of the Town of Sheldon to refer said proposed local law to the Planning Board of the Town of Sheldon for their review and comments.

**NOW ON MOTION OF** Joe Meyer which has been duly seconded by Vince Kirsch, now therefore, be it

**RESOLVED**, the Town Board of the Town of Sheldon, will refer said proposed local law to the Planning Board of the Town of Sheldon for their review and comments.

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

**Arrival of ConnectGen Representative**

Henry Woltag, Manager of ConnectGen, arrived to the meeting at 8:50 p.m. Mr. DiMatteo asked Mr. Woltag what their plan is regarding the stipulation in the current Town Solar Law that these projects are only allowed in industrial areas. Mr. Woltag stated that his company's intentions are to work with townships not against them. Mr. Woltag stressed that there will be a public involvement plan. Mr. DiMatteo asked if it has already been determined if there is space on the lines for the project. Mr. Woltag responded that yes they have and yes there is space. He also stated that a study request has been started with NYSEG. ConnectGen would have to fund improvement to the grid.

**Letter Request from ConnectGen to NYSERDA**

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to sign the letter as printed below per the request from ConnectGen.

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

May 13, 2019

Henry Woltag, Manager  
1001 McKinney, Ste. 700  
Houston, TX 77002

**Re:    ConnectGen Erie-Wyoming LLC  
          NYSERDA Award**

To Whom It May Concern:

I, Brian Becker, Supervisor of the Town of Sheldon, confirm that ConnectGen Erie-Wyoming LLC ("ConnectGen") has been canvassing the Town of Sheldon in

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regard to the proposed Big Tree Solar Project. The Town Board of the Town of Sheldon is aware of the Big Tree Solar Project, as representatives from ConnectGen have attended regularly scheduled board meetings.

During the regularly scheduled Town Board meeting on April 17<sup>th</sup>, 2019, representatives from ConnectGen gave a presentation in great detail, including the fact that the project may include the use of battery storage. The Town Board was intrigued with the presentation and is fully aware that ConnectGen intends to seek an award from NYSERDA under the 2019 solicitation for large-scale renewables.

I trust that this properly advises on the Town Board's knowledge in regard to the Big Tree Solar Project.

Very Truly Yours,

Brian Becker, Supervisor

**Strykersville Cemetery**

The Board was notified that the NYS Division of Cemeteries will be meeting at the Town Hall on May 16, 2019 at 5:30 p.m. The meeting was advertised in the hopes of finding volunteers to sit on the Strykersville Cemetery Association Board. If the Association does not find volunteers the Town will then have to take over control of the cemetery.

**Abandonment of Reisdorf Road**

Dave Ricketson will meet with David DiMatteo tomorrow to discuss the process to abandon Reisdorf Road.

Mr. DiMatteo and Mr. Woltag departed the meeting.

**Salt Building**

There was one bid received for the salt building.

Hybrid Building Solutions LLC, 9780 Brauer Rd., Clarence Center, NY 14032 submitted a bid for a 62x140 building and a 62x120 building as detailed in the specifications.

Bid for a 62x140 building: \$307,930.00

Bid for a 62x120 building: \$272,247.00

A motion was made by Mike Armbrust and seconded by Jim Fontaine to award the bid to Hybrid Building Solutions LLC, 9780 Brauer Rd., Clarence Center, NY 14032 for the construction of a 62x140 salt building at a cost of \$307,930.00.

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

**Bond Anticipation Note for Construction of Salt Building**

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A motion was made by Jim Fontaine and seconded by Mike Armbrust to authorize the Town Supervisor to contact David DiMatteo to draw up BAN paperwork to make up the difference in what the Town budgeted for the project and the actual project cost.

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

**Public Hearing – Harris Corners Fire Department**

A motion was made by Vince Kirsch and seconded by Joe Meyer to set the date for the public hearing for the Harris Corners Fire Department contract for the next regular board meeting scheduled June 19, 2019 at 7:00 p.m. at the Varysburg park.

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

The fire department president, Nick Kirsch, had indicated to the Town Clerk that the department would like a 2-year contract with a two percent increase each year with a stipulation that if cancer coverage insurance becomes excessive they have the right to approach the Town for an increase. Supervisor Becker noted that the Town needs to have budget numbers in a timely manner for adoption of the Town budget.

**Varysburg Water Quality Annual Report**

The Varysburg Water Quality report is complete and will be mailed to residents this week. It has been published on the website and is posted on the Town bulletin board.

**Five Year Financial Plan**

Copies of a proposed 5-year financial plan for the Town were distributed to Board members. The Board will review the plan and make comments at the June meeting.

**Special Use Permit – Proposed Senior Care Facility**

A special use permit application was submitted by Felicia Mullane to operate a family-type elder-care home for adults at 3839 Sunset Dr., Strykersville, NY 14145.

A motion was made by Jim Fontaine and seconded by Mike Armbrust to schedule a public hearing for June 19, 2019 at 7:00 p.m. regarding the special use permit application submitted by Felicia Mullane to operate a family-type elder-care home for adults at 3839 Sunset Dr., Strykersville, NY 14145.

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

**Swim Policy – Out of Town Residents**

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the same policy for out of town residents to join the Sheldon swim project. The cost for out of town residents is \$42 per child.

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

**Sight Impaired Signage**

A motion was made by Vince Kirsch and seconded by Mike Armbrust to approve installation of sight impaired signs on Centerline Road just before Kohler Rd.

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

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**Bills:**

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

A motion was made by Vince Kirsch and seconded by Joe Meyer that the General Bills #106 to #123 for a Total of \$18,729.84, the Highway Bills #75 to #85 for a Total of \$48,410.47, the Trust & Agency Bills #13 to #15 for a Total of \$525.28, the Varysburg Water District Bills #33 to #39 for a Total of \$29,989.44 and the Lighting District Bills for a Total of \$836.90 be paid.

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

**Comments from the Floor**

At 9:45 p.m. Supervisor Becker opened the floor to comments.

**Speed Limit Centerline Road**

Resident Deanne Siemer asked the Board to consider lowering the speed limit to 35 mph on Centerline Rd. between Dutch Hollow Road to the top of the hill at the County line.

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Clerk to send a letter to Wyoming County Traffic Safety Board requesting the speed reduction to 35 mph on Centerline Road between Dutch Hollow Road and the Wyoming/Erie County Line.

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

**Adjournment**

At 9:50 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the May 15, 2019 meeting of the Sheldon Town Board.

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