

**REGULAR MEETING
SHELDON TOWN BOARD
November 28, 2018**

The Regular Meeting of the Sheldon Town Board held November 28, 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, Vince Kirsch, Mike Armbrust, Joe Meyer
Recording Secretary: Town Clerk Carol Zittel
Also present: David Ricketson, Highway Superintendent
A signed list of all present is on file in the Town Clerk's office.

Moment of Silence in Memory of Bill Becker

Councilman Armbrust asked for a moment of silence in memory of Supervisor Brian Becker's father Bill Becker.

Minutes

A motion was made by Jim Fontaine and seconded by Mike Armbrust that the minutes from the October 17, 2018 regular meeting and November 7, 2018 budget public hearing be approved.
Ayes: (5) Becker, Kirsch, Fontaine, Armbrust, Meyer Nays: (0) Motion Carried.

Communications

The Town Clerk, Carol Zittel, reported on the following:

#24 Liquor License – Varysburg Hotel

A 30-Day notice for the SLA application from the Varysburg Bar & Grill/Sweet Things Bakery, Inc. (Varysburg Hotel) was received via certified mail on 11/21/2018.

A motion was made by Mike Armbrust and seconded by Joe Meyer to accept the SLA application submitted by Hogan Willig Attorneys at Law on behalf of Samantha Olivera with no objections.

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

#24 Varysburg Fire Budget 2019

The Town Clerk distributed a copy of the 2019 Varysburg Fire Budget.

#25 North Java Fire Budget 2019

The Town Clerk distributed a copy of the 2019 North Java Fire Budget.

Highway Inventory

The Town Clerk distributed a copy of the Highway Department inventory submitted by Highway Superintendent, David Ricketson.

Garbage Pickup

Portions of the Town did not receive garbage pickup for two weeks. Supervisor Becker gave a brief update on the situation and reported that all garbage will be picked up by Waste Management on this upcoming Friday.

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Reports

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

Highway Superintendent's Report

Highway Superintendent David Ricketson reported on the following:

Equipment

Equipment was holding up well until today when the department was down to only one truck for a little while. They were all minor repairs so all trucks are back up and running.

Perry Rd. Paving

Supervisor Becker noted that 2 miles of Perry Road (from North Java to Route 77) in the Town of Sheldon is plowed by the Town of Java highway department.

Purchase of a New Skid Steer Loader

Highway Supt. Ricketson asked the Board for their input on whether a new or used skid steer loader should be purchased. A new one is approximately \$60,000.00. Councilman Kirsch advised that if pursuing the purchase of a used skid steer loader then documentation is required that shows at least 3-4 sellers were contacted and that a scoring sheet was produced for each one. The scoring sheet should document the scores for hours used, year of equipment, overall appearance, tire conditions, bushings, maintenance reports. The Town Board concluded discussion by suggesting that the highway superintendent get more information on pricing for new and used loaders.

Salt Building – Funding from DASNY and Senator Gallivan

Highway Superintendent Ricketson thanked the Town Clerk for helping with the DASNY grant paperwork. Councilman Kirsch asked that specifications be prepared and presented in January so that specs can be sent out in February. Supervisor Becker suggested that Supt. Ricketson contact Larry Rogers from County Building & Grounds and Don Roberts from County Codes with help writing the specs. Councilman Kirsch offered to help with writing them as well. The proposed new building will be approximately double the size of the existing one and should hold up to 5000 ton of salt/sand.

Supervisor's Report

Supervisor Becker reported on the following:

Windmill Payment Received

The Town received the windmill payment and funds will be put in Certificates of Deposit next month.

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Outstanding Water Bill Report

The outstanding water bill report was distributed and has been sent to Wyoming County Real Property for addition to the tax bills.

Varysburg Water Meeting with AJ and Steve Perkins

Supervisor Becker informed the Board that he will meet with new water operator, AJ Dyrbala and County Health Dept. Director, Steve Perkins on Wednesday, December 05, 2018 at 5:00 p.m. at the Varysburg Fire Hall to discuss various water issues such as meter reading, tank inspection, etc...

Acceptance of Reports

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

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

Old Business

Kiwanis – Garden Property in Strykersville

Mulch has been delivered.

Certification of Election Results Pursuant to Mandatory Referendum for Local Law 2-2018 Entitled, “Change of Town Clerk Term of Office to Two Years for One Term and Then Resuming a Four Year Term of Office Thereafter”

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, pursuant to a resolution adopted June 6, 2018, the Town Board of the Town of Sheldon adopted Local Law 2 of 2018 to temporarily change the Town Clerk term of office to two (2) years for one term and then return to a four (4) year term thereafter subject to mandatory referendum; and

WHEREAS, the proposed temporary change in term of office for the Town Clerk was submitted to the Wyoming County Board of Elections for approval from Town residents; and

WHEREAS, said proposition numbered 1 was included in the general election ballot on November 6, 2018, results were as follows:

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TOWN PROPOSITION 1 for Sheldon, Wyoming County (Vote for 1)

Sheldon: reported:	6 of 6	100.00%
Ballots:	1058	
<hr/>		
YES	778	80.87%
NO	184	19.13%
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Total	962	100.00%

WHEREAS, in accordance with official results released by the Wyoming County Board of Elections for the year 2018, proposition 1 has been approved by the majority of qualified electors of the Town of Sheldon; and

WHEREAS, by acknowledgement of said approval the Town of Sheldon, pursuant to Local Law 2 of the year 2018 hereby temporarily changes the Town Clerk term of office to two (2) years for one term and resumes a four (4) year thereafter.

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

RESOLVED, in accordance with official results released by the Wyoming County Board of Elections for the year 2018, proposition 1 has been approved by the majority of qualified electors of the Town of Sheldon; and be it

FURTHER RESOLVED, by acknowledgement of said approval the Town of Sheldon, pursuant to Local Law 2 of the year 2018 hereby temporarily changes the Town Clerk term of office to two (2) years for one term and resumes a four (4) year thereafter; 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: Becker, Kirsch, Fontaine, Armbrust, Meyer

Nays: None

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**A PROPOSED LOCAL LAW ENTITLED, TOWN OF SHELDON LOCAL LAW
NO. 2 OF 2018 “CHANGE OF TOWN CLERK TERM OF OFFICE TO TWO
YEARS FOR ONE TERM AND THEN RESUMING TO A FOUR YEAR TERM
THEREAFTER”**

BE IT ENACTED by the Town Board of the Town of Sheldon as follows:

SECTION I. STATUTORY AUTHORITY.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

SECTION II. LEGISLATIVE PURPOSE.

The purpose of this law is to allow the Town of Sheldon to create a process more conducive to orderly business by offsetting when the Town Supervisor and Town Clerk begin their term of office so both positions do not get elected and changed on the same election cycles creating a large deficiency in knowledge.

SECTION III. CHANGE IN TERM OF OFFICE.

The term of office of the elected Town Clerk shall be as follows:

Two year term commencing on January 1, 2020 through December 31, 2021, applying to the person elected to such office at the biennial town election held on November 4, 2019.

Four year term resuming on January 1, 2022 through December 31, 2025 and thereafter, applying to the person elected to such office at the applicable biennial town elections.

SECTION IV. MANDATORY REFERENDUM.

This Local Law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Sheldon at the general election to be held on November 6, 2018.

SECTION V. SEPARABILITY/VALIDITY.

This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidated any other clause, sentence, paragraph or part thereof.

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SECTION VII. EFFECTIVE DATE.

This local law shall become effective immediately upon being filed with the New York State 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.

New Business

Town Clerk Software Renewal – Williamson Law

A motion was made by Joe Meyer and seconded by Jim Fontaine to authorize the Town Supervisor to sign the Town Clerk software renewal contract with Williamson Law Books at a cost of \$405.00.

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

Hiring of Auditor – Don Przybyl

Supervisor Becker suggested hiring an outside auditor to conduct the yearly audit of town books. Don Przybyl had previously conducted the audit on outgoing Town Supervisor John Knab's books and other towns in Wyoming County use him as well.

A motion was made by Mike Armbrust and seconded by Joe Meyer to hire Don Przybyl to conduct the audit of town books for 2018 at a maximum cost of \$500.00.

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

Approve New Position Duties Statement for Civil Service – Water System Operator

A motion was made by Vince Kirsch and seconded by Jim Fontaine to approve the new position duties statement for water system operator and submit it to the Department of Civil Service.

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

<p>Civil Service Law, Section 22: Certification for positions. Before any new position in the service of a civil division shall be created or any existing position in such service shall be reclassified, the proposal therefore, including a statement of the duties of the position, shall be referred to the municipal commission having jurisdiction and such commission shall furnish a certificate stating the appropriate civil service title for the proposed position or the position to be reclassified. Any such new position shall be created or any such existing position reclassified only with the title approved and certified by the commission. Effective 1978</p>	<p>New Position Duties Statement</p> <p>Department head or other authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit.</p> <p>Forward one typed copy to this Commission.</p>	
<p>1. Department VARYSBURG WATER DISTRICT</p>	<p>Bureau, Division, Unit or Section TOWN OF SHELDON</p>	<p>Location of Position VARYSBURG, NY</p>
<p>2. Description of Duties: Describe the work in sufficient detail to give a clear word picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.</p>		

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Job Title: WATER SYSTEM OPERATOR	
Percent of Work Time	Job Duty: Has responsibility on a daily basis for the actual operation of the water treatment plant; does related work as required.
15%	Operates pumps, valves, motors, and related machinery and equipment
5%	Performs maintenance work and makes minor repairs to machinery and equipment
10%	Regulates and adjusts chlorinators
10%	Takes samples of water for testing
10%	Makes necessary tests for control of plant operation
5%	Assists in the instruction of trainees
5%	Supervises the work of laborers/subcontractors
25%	Keeps a log of plant operation and related records
5%	Performs custodial duties in connection with maintenance of buildings and grounds
10%	Answers Dig Safely calls

3. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)

<u>Name</u>	<u>Title</u>	<u>Type of Supervision</u>
BRIAN W. BECKER	TOWN SUPERVISOR	GENERAL
ANTHONY J. DYRBALA	WATER SYSTEM OPERATOR	DIRECT

4. Names and Titles of Persons Supervised by Employee in this position

<u>Name</u>	<u>Title</u>	<u>Type of Supervision</u>

5. Names and Titles of Persons doing substantially the same kind and level of work as will be done by the incumbent of this new position

<u>Name</u>	<u>Title</u>	<u>Location of Position</u>

6. What minimum qualifications do you think should be required for this position?

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Education: High School 4 Years, or GED
College _____ Years, with specialization in _____
College _____ Years, with specialization in _____

Experience: (list amount and type) TYPE C WATER TREATMENT PLANT – whose designated capacity is 2.5 million gallons or less per day

- Eligibility for a Grade C certificate issued under the provisions of the NYS Sanitary Code
- Six months of experience in the actual operation of a water treatment plant using chlorine

Essential knowledge, skills and abilities:

**Type of license or certificate required:
GRADE C WATER OPERATOR
COURSE**

7. The above statements are accurate and complete.

Date:

Title:

Signature:

Certificate of Civil Service Commission

8. In accordance with the provisions of Civil Service Law Section 22, the _____ Civil Service Commission certifies that the appropriate civil service title for the position described is:

Title: _____

Jurisdictional Classification: _____

Date:

Signature: _____

Action by Legislative Body or Other Approving Authority

9. Creation of described position

Approved

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Disapproved

Date:

Signature:

Bills

Supervisor Becker confirmed that the Board had a chance to review the bills. A motion was made by Jim Fontaine and seconded by Vince Kirsch that the General Bills #325 to #370 for a Total of \$45,372.19, the Highway Bills #156 to #171 for a Total of \$68,966.72, the Trust & Agency Bills #33 to #36 for a Total of \$670.12, the Bans Payable Bills #4 to #4 for a Total of \$262,441.66, the Varysburg Water District Bills #74 to #81 for a Total of \$12,431.92 and the Lighting District Bills for a Total of \$964.56 be paid.

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

Comments from the Floor

At 8:30 p.m. Supervisor Becker opened the floor to comments.

Youth Winter Event

Youth Recreation Director, Whitney Kehl, was present at the meeting and asked for permission to pre-purchase tickets to the Strong Museum for a December youth event. She will purchase approximately 39 tickets at a cost of \$16 per ticket.

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize Whitney Kehl to purchase 39 tickets to the Strong Museum at \$16 per ticket for a total cost of \$624.00.

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

Adjournment

At 8:40 p.m. a motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the November 28, 2018 meeting of the Sheldon Town Board.

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