

**REGULAR MEETING
SHELDON TOWN BOARD
October 20, 2015**

The Regular Meeting of the Sheldon Town Board held October 20, 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: Arcade Herald reporter Brianna Naughton. 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 September 15, 2015 regular meeting, the October 1, 2015 special meeting (bid opening) and the October 7, 2015 (budget workshop) special meeting be approved.

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

Communications

The Town Clerk reported on the following:

#32 Regional Local Govt. Conference

A motion was made by Brian Becker and seconded by Joe Meyer to authorize Town officials to attend the Fall 2015 Regional Govt. Workshop in Batavia, NY on November 13, 2015 at a cost of \$75.00 prepay, \$80.00 at the door.

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

#33 Liquor License Renewal – Flip Side

A motion was made by Mike Armbrust and seconded by Vince Kirsch to accept the notification from Abbott and Crew, Inc. DBA The Flip Side Bar and Grill, advising that they will be renewing their liquor license which expires 11/30/2015.

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

#34 Wyoming County Town Clerk Meeting

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize the Town Clerk to attend the Wyoming County Town Clerk Association at the Gainesville Town Hall.

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

#35 Attica Central School District – Using Town Hall

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize Attica Central School District to use the Sheldon Town Hall on December 8th for the transportation and capital reserve vote.

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

The polls will be open 1pm-9pm. Attica Schools will be dropping off the lever voting machines.

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Reports

Financial Reports were presented for the month of September 2015 from the Town Supervisor, Town Clerk and the Town Justices.

Highway Superintendent's Report

Sheldon Highway Superintendent David Ricketson reported on the following:

Ditching/Shoulder Work

The Dept. has been busy grading gravel roads.

Fleet Ready for Winter

The plows are ready for winter plowing.

Overhead Doors in Garage

The cables on the overhead doors have been breaking. The highway supt. asked the Board to consider changing all the cables before the winter snow.

A motion was made by Vince Kirsch and seconded by Joe Meyer to get three quotes for the re-cabling of the highway garage overhead doors.

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

Supervisor's Report

Supervisor Knab reported on the following:

Sale of Medical Center

The Attica Medical Center sold for approximately \$300,000.00. The Town of Sheldon should receive some revenue from the sale.

2016 County Tax Rate

As of today, the County budget reflects a 6.4% increase in taxes over 2015. In 2015 this equaled a \$9.73 per \$1,000 assessed value. In 2016 this will mean a \$10.38 per \$1,000 assessed value.

Perry Road

The Wyoming County Highway Dept. shimmed Perry Rd at a cost of \$90,000.

Wyoming County Bills

County bills for September were \$2,293,988.25.

Varysburg Water District Repairs

The Water District is replacing 200 ft. of 2 inch line on Route 98. This line was first installed in 1953.

Water District Maintenance Fee

The maintenance fee will be reflected on tax bills in January and not sent out as a separate bill.

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Authorization of Mailing to Varysburg Water Customers

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the mailing of letters to Varysburg Water customers advising them that the maintenance fee will be included on their January tax bills.

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

Acceptance of Reports

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

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

Old Business

Town Hall Renovation

Councilman Kirsch updated the progress on the Town Hall renovation.

New Business

Open Public Hearing – Tax Override

At 7:22 p.m. a motion was made by Mike Armbrust and seconded by Vince Kirsch to open the public hearing for Local Law 1-2015 entitled: “A Local Law “Override the Tax Levy Limit Established in General Municipal Law 3-c.”

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

There were many comments from the floor regarding the need for the tax override. Supervisor Knab answered questions regarding the wind project payments. The Town currently receives a yearly payment from Invenergy. The cost of supplies to run the Town has increased at a greater rate than the payments from the wind company. In 2015 the Town received \$833,000.00 in wind project payments. In 2017 the Town is expected to receive \$900,000.00 in wind project payments. Specifically, highway department costs have increased significantly. In 2004 the cost of asphalt was \$36/ton. Today it is \$76/ton. In 2004 the cost to purchase materials to oil and stone one mile of road was \$3,200. Today it is \$15,000. A resident asked how long it took for the town budget to exceed the wind payments. Supervisor Knab responded 6-7 years.

Close Public Hearing – Tax Override

At 8:02 p.m. a motion was made by John Knab and seconded by Mike Armbrust to close the public hearing on the Tax Override Law.

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

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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, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c. to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on October 20, 2015 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 John Knab, which has been duly seconded by Mike Armbrust, 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 2015 entitled, “Override the Tax Levy Limit Established in General Municipal Law §3-c.” 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.

Roll Call Vote: Knab – Yes, Kirsch – Yes, Meyer- Yes, Armbrust – Yes, Becker - Yes

A PROPOSED LOCAL LAW ENTITLED, “OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c.”

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

SECTION I. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sheldon, County of Wyoming pursuant to General Municipal Law §3-c. and to allow the Town of Sheldon, County of Wyoming to adopt a town budget for (a) town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

SECTION II. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c. which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

SECTION III. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Sheldon, County of Wyoming is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

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SECTION IV. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION V. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Adopt Tentative Budget as Preliminary Budget

A motion was made by Mike Armbrust and seconded by Joe Meyer to adopt the tentative budget as the preliminary budget for 2016 and to set the date for a public hearing for November 4, 2015 at 7:00 p.m.

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

Authorization for Supervisor to Sign North Java Fire Contract

A motion was made by Brian Becker and seconded by Mike Armbrust to authorize the Town Supervisor to sign the 5-year contract with the North Java Fire District for fire and ambulance protection services.

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

Budget Transfers

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the following budget transfers:

\$559.08 from A9060.8 Hospital & Medical Ins. to A3310.4 Traffic Control Contractual

\$400.00 from A9060.8 Hospital & Medical Ins. to A1010.4 Town Board Contractual

\$700.00 from A9060.8 Hospital & Medical Ins. to A8020.4 Planning Contractual

\$10,000.00 from DA5110.4 Transportation Contractual to DA5130.4 Machinery Contractual

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

Fund Transfers

A motion was made by Mike Armbrust and seconded by Joe Meyer to approve the following transfer: \$25,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for September bills and payrolls.

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

Bills:

A motion was made by Mike Armbrust and seconded Joe Meyer that the

General Bills #333 to #371 for a Total of \$35,505.11, the

Highway Bills #161 to #174 for a Total of \$14,051.98, the

Streambank Revitalization Bills #1 to #2 for a Total of \$9,154.43, the

Trust & Agency Bills #40 to #45 for a Total of \$3,156.17 the

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Varysburg Water District Bills #61 to #67 for a Total of \$594.12 the Special Grant Fund #16 for a Total of \$826.42 the Capital Project Bills #23 to #24 for a Total of \$9,487.11 and the Lighting District Bills for a Total of \$576.58 be paid.

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

Approval of Snow Contract with County

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the Supervisor to sign the contact with the Wyoming County Highway Department for snow removal services.

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

Comments from the Floor

At 8:15 p.m. Supervisor Knab opened the floor to comments

Court Security

Councilman Becker brought it to the Board's attention that after a conversation with Justice Kirsch and Court Clerk Dillon, court security may need to be added to DA days which occur once every other month. The cost would be approximately \$600-\$700 a year.

Adjournment

A motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the October 20, 2015 meeting of the Sheldon Town Board.

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