

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

The Regular Meeting of the Sheldon Town Board held September 15, 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  
Attorney David DiMatteo  
Absent: Highway Superintendent David Ricketson

Also Present: Court Clerk Laurie Dillon, Justice Fran Lefort, Arcade Herald reporter Brianna Naughton, Assessor Ken Pike, NYSORPS representative Gary Drake. A signed list of all present is on file in the Town Clerk's office.

**Minutes**

A motion was made by Mike Armbrust and seconded by Vince Kirsch that the minutes from the August 25, 2015 regular meeting and the September 3, 2015 special meeting be approved.  
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

**Communications**

The Town Clerk reported on the following:

**#31 Permission to Publish Bid Notice – General Contractor Services**

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Clerk to publish the bid notice for general contractor services to the Town Court Room and Office renovations in the East Aurora and Attica Pennysavers.  
Ayes: (5) Knab, Kirsch, Becker, Armbrust, Meyer Nays: (0) Motion Carried.

**Reports**

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

**Highway Superintendent's Report**

Sheldon Highway Superintendent David Ricketson was not present at the meeting. Supervisor Knab reported on the following:

**CHIPS Paperwork**

CHIPS paperwork is complete. The funds should be electronically deposited in the Town bank account on December 15<sup>th</sup>.

**Repair – International Truck**

The booster pump went out on the International.

**Truck #233 – Repairs**

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

Truck #233 – Highwayman Kevin Amedick’s truck stopped running. Maher’s towed the truck at a cost of \$680.00.

**Road Repairs**

The department has been busy working on shoulders and gravel roads.

**Supervisor’s Report**

Supervisor Knab reported on the following:

**Varysburg Water – Tank Agitator**

Supervisor Knab reported that the agitator for the tank had previously been removed from the scope of the project due to budgetary constraints. The approximate cost of an agitator would be \$20,000 - \$30,000. The engineers felt that it was not a necessity. Supervisor Knab wanted to get the Board’s feelings on the matter. The Board was unanimous in agreement that the agitator was not needed.

**Varysburg Water – Landscaping Around Tank**

Morsch Pipeline has been working on the landscaping issues around the tank.

**Varysburg Water – Improvement in Water Pumping**

The Varysburg Water District is now pumping 14,000 to 30,000 gallons of water every other day. Before the repairs to the lines and the tank, the District was pumping 50,000 to 70,000 gallons every day.

**Water Leak – Route 98**

There is a water leak on Route 98 North. The State wants something done by the end of the month. This is an old water line from 1953 or 1954 with approximately 100 yards of line in need of replacement. Zehler’s will be called in.

**Acceptance of Reports**

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

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

**Old Business**

**Town Hall Remodel**

Architect, Heather Nemec, presented the Board with written copies of the specifications for the general construction work. Councilman Kirsch had a few minor revisions/additions to the specs regarding outlets and switches.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to approve the specifications for general construction work as presented by architect Heather Nemec and to authorize Ms. Nemec to make the minor revisions as suggested by Councilman Kirsch.

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

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

Ms. Nemecek took some time to answer some questions that Court Clerk Laurie Dillon and Justice Lefort had regarding the drawings. The Board was advised that the painting and flooring portions of the project will take place within the next two weeks.

**Presentation by NYSORPS Representative**

Assessor Ken Pike, was present at tonight's meeting, along with Gary Drake from the NYS Office of Real Property Services. Mr. Drake addressed the Board regarding the process of having a revaluation in 2017. If a revaluation is to take place in Sheldon it would start in July of 2016 and end in July 2017. Mr. Drake stated that the Office of Real Property Services encourages a revaluation because it ensures equity in the Town. Mr. Drake stated that the Town of Sheldon has not done a reval since 2006, which is a long time to go without doing one. Resident, Deanne Siemer, questioned Mr. Drake on the use of an algorithm to determine valuation. Mr. Drake responded that when an assessor does a reval he or she will assess every property in the Town, he/she is not going to trend it. The computer assists the assessor but it is not a straight algorithm. Mr. Drake stressed that a reval ensures equity of the tax roll and the goal is to straighten out inequities. For instance, he gave the example of two houses of equal value (\$100,000) next door to each other – if one is assessed at \$80,000 and one is assessed at \$100,000 then there is inequity – one house is paying more in taxes than the other. Mr. Drake stated that Ken Pike is currently doing data collection work in the Town. Data collection must occur before the revaluation. Mr. Pike stated that there are over a dozen houses not in the computer system. He has to physically visit those houses to get data. Councilman Armbrust asked if Mr. Pike is getting land separation information. Mr. Pike responded that he receives this information from Wyoming County. At 8:02 p.m. Mr. Pike and Mr. Drake concluded their discussion and left the meeting.

**Sale of Old Generator**

The old generator has not been listed on Auctions International yet. The Board asked that Supervisor Knab ask Highway Supt. Ricketson to list the item.

**New Business**

**North Java Fire Contract**

Java Town Clerk, Janet Zielinski, is retyping the North Java Fire contract. The new contract will be a five year contract with a 20% increase in 2016 and a 2% increase for the four years thereafter.

A motion was made by Mike Armbrust and seconded by Vince Kirsch to approve the five year contract with the North Java Fire District for fire and ambulance protection services with a 20% increase in 2016 and 2% increases in 2017, 2018, 2019 and 2020.

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

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

**Board of Assessment Review Appointment**

A motion was made by Brian Becker and seconded by Joe Meyer to re-appoint Janet Bonner to the Town park committee with a term of 09/30/2015 to 09/30/2020.

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

**Budget Workshop Meeting Date**

A motion was made by Brian Becker and seconded by Joe Meyer to re-appoint Jim Kirsch to the Town Board of Assessment Review with a term of 09/30/2015 to 09/30/2020.

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

**3% Raises for Elected & Appointed Official**

A motion was made by Mike Armbrust and seconded by Joe Meyer to authorize 3% raises for elected and appointed officials in 2016.

Ayes: (3) Knab, Armbrust, Meyer Nays: (2) Becker, Kirsch Motion Carried.

**Budget Transfers**

A motion was made by Vince Kirsch and seconded by Brian Becker to approve the following budget transfers:

\$578.41 from A9010.8 State Retirement to A1910.4 Unallocated Insurance

\$85.80 from A9010.8 State Retirement to A1010.4 Town Board Contractual

\$140.88 from A9010.8 State Retirement to A3310.4 Traffic Control Contractual

\$1,642.54 from SW1-250 Taxes Receivable to SW1-8320.4 Source of Supply/Power/Pumping

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

**Fund Transfer**

A motion was made by Vince Kirsch and seconded by Brian Becker to approve the following fund transfer:

\$30,000.00 from General Money Market A9901.9 to Highway Money Market DA5031 for September 2015 bills and payrolls

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

**Bills:**

A motion was made by Mike Armbrust and seconded Vince Kirsch that the

General Bills #310 to #332 for a Total of \$8,135.52, the

Highway Bills #149 to #161 for a Total of \$14,418.93, the

Trust & Agency Bills #38 to #39 for a Total of \$448.78 the

Varysburg Water District Bills #57 to #60 for a Total of \$2,154.43 the

Special Grant Fund #15 for a Total of \$888.85 the

Capital Project Bills #19 to #22 for a Total of \$3,882.17 and the

Lighting District Bills for a Total of \$777.94 be paid.

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

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

**Town Tax Rate 2016**

There was a short discussion regarding the need to levy Town taxes in 2016. Councilman Armbrust stated that we will have to have a tax in this town in 2016. Supervisor Knab stated that it will probably be a road tax. Supervisor Knab stated that we are in the 8<sup>th</sup> year of the wind turbine contract and receive \$843,000.00 from Invenergy. In year 10 of the contract, the Town will receive \$1,000,000.00. Supervisor Knab stated that in the past eight years, the Town Board has been conservative to keep the budget down and the Town tax rate at zero percent.

**Bond Anticipation Notes (BANs)**

Supervisor Knab informed the Board of the need to draw up two BAN's. One is needed for the Varysburg Water Project. The Town will receive reimbursement from funding obtained by Senator Gallivan. The Senator's office has informed Supervisor Knab that the money has been approved but the date of receipt of the funds is still not known. A BAN will also be needed to pay for the overages in the Streambank Revitalization projects in Varysburg. Attorney DiMatteo suggested that two separate BANs be prepared.

A motion was made by Brian Becker and seconded by Vince Kirsch to authorize Attorney David DiMatteo's office to draw up paperwork for two separate Bond Anticipation Notes; one for the Streambank Revitalization Project in the amount of \$80,000.00 and one for the Varysburg Water Project for \$50,000.00.

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

**Public Hearing – Local Law Overriding the 2% Tax Cap**

The Town Clerk distributed the proposed local law to the Town Board to override the 2% tax cap.

**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**, 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** Vince Kirsch which has been duly seconded by Mike Armbrust, 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 20th day of October 2015 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

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

**REGULAR MEETING  
SHELDON TOWN BOARD  
September 15, 2015**

**Comments from the Floor**

At 8:35 p.m. Supervisor Knab opened the floor to comments

**Solid Waste Disposal Law – Biosolids Law**

Councilman Armbrust asked about the status of the proposed Biosolids Law that the Planning Board had forwarded on to the Town Board. The Town Clerk responded that Attorney DiMatteo's office was forwarded the law and had recommended to Supervisor Knab that the Town hold off on passing any such law. Attorney DiMatteo responded that his partner, David Roach, has reviewed the law and made that recommendation. Attorney DiMatteo stated that the Board can adopt the law, but if they do, they do so at their own peril since they may become part of a lawsuit. Currently, the Quesar Company is challenging the Town of Wheatfield's law. Mr. DiMatteo doesn't foresee a demand in Sheldon with having these materials brought here since the ag community (farmers) do not want to contribute to a phosphate problem they already have. Councilman Armbrust responded that the Town Planning Board and Town Board is not so much concerned with active farmers but with vacant land owners. Councilman Armbrust asked Attorney DiMatteo what would happen if Quesar wins. Attorney DiMatteo suggested that if Quesar wins, then the Town enact a moratorium or ban. Councilman Kirsch asked how long the lawsuit in Wheatfield has been going on. Attorney DiMatteo responded that it was filed in May and he thinks they are just waiting on a decision from the Judge. Councilman Becker and Councilman Kirsch stated that they feel the Board should wait until a decision has been made in the Wheatfield case. The rest of the Board was in agreement.

**Adjournment**

A motion was made by Brian Becker and seconded by Joe Meyer to adjourn the September 15, 2015 meeting of the Sheldon Town Board.

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