

**REGULAR MEETING
SHELDON TOWN BOARD
September 21, 2016**

The Regular Meeting of the Sheldon Town Board held September 21, 2016 at the Sheldon Town Hall was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker
Councilmen: Vince Kirsch, Joe Meyer, Mike Armbrust
Absent: Councilman Jim Fontaine
Recording Secretary: Town Clerk Carol Zittel
Also Present: Highway Supt. David Ricketson. A signed list of all present is on file in the Town Clerk's office.

Minutes

A motion was made by Vince Kirsch and seconded by Mike Armbrust that the minutes from the August 24, 2016 regular meeting be approved.

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

Communications

Town Clerk Carol Zittel reported on the following:

#27 Resignation of Beth Reisdorf – Planning Board

The Town Clerk notified the Board of the resignation of Beth Reisdorf from the Town Planning Board.

#28 Trainings

NYMIR is holding a SEQR Training for Small Communities Workshop in Mount Morris on October 24th. Genesee/Fingerlakes Regional Planning Council is holding a fall regional workshop in Batavia on November 16th.

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize any Elected or Appointed Board member to attend the NYMIR or Genesee Fingerlakes workshop.

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

#29 Dog Enumeration Complete

The dog enumeration was completed today. Dog enumerator, Carolyn Mruzec did a great job.

Reports

Financial Reports were presented for the month of August 2016 from the Town Supervisor, Town Clerk and the Town Justice. The Town Supervisor also distributed a fund balance report.

Highway Superintendent's Report

Superintendent of Highways, David Ricketson, reported on the following:

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Paving Projects – No Gravel Roads in Sheldon

The Highway Superintendent was happy to report that as of September 20, 2016 there are no gravel roads left in the Town of Sheldon. Supt. Ricketson extended his appreciation to the Town Board for their vision. In total, 4.7 miles of gravel roads were paved. 8.1 miles of road was oiled & stoned. Supt. Ricketson expressed his pride in his highway department and their hard work.

Equipment

No major breakdowns. The gradall has a light coming on when it is traveling but not when it is digging. Supt. Ricketson hopes to have the County Highway Dept. haul it to Marquart for diagnostics.

Insurance Claims Due to Oil & Stone

There was an issue on Centerline Rd. after the road was oiled and stoned. Shortly after the road was oiled and stoned it rained which caused the oil to float to the top of the road. Two insurance claims were submitted for oil damage to their cars. Councilman Armbrust asked if the stone is going to plow off this winter. Supt. Ricketson responded that he is going to have Suit Kote come out to put a special mixture on the road.

Supervisor's Report

Supervisor Brian Becker reported the following.

Wyoming County Bills

County bills were \$3,538,132.41

CHIPS Money

The CHIPS check in the amount of \$107,384.12.

Broadband in Wyoming County

Governor Cuomo has set a goal of providing broadband to all of New York State by the end of 2018. Southern Tier wireless will be laying fiber optic lines near the Wyoming County Fire Training Center and the intent of expanding broadband across Wyoming County. Supervisor Becker will keep the Board advised of any updates.

Acceptance of Reports

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

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

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Old Business

Varysburg Water District Generator

Wayne Durfee has contacted National Fuel about hooking up the gas to the generator but has not heard back from them yet. The Town Clerk will forward contact info for our National Fuel municipal contacts to Supervisor Becker.

Varysburg Water Pump house – Asbestos Testing

Supervisor Becker met with Mike from Stohl Environmental to have the materials tested for asbestos at the pump house. He has not received their report yet.

Open Public Hearing - Tax Cap Override

At 8:02 p.m. Supervisor Becker opened the public hearing for a proposed Local Law overriding the tax cap. As there were no comments on the law at this time, Supervisor Becker returned to the agenda.

Varysburg Water – Gasiewicz Leak

A motion was made by Mike Armbrust and seconded by Vince Kirsch to send a letter to Donald and Holly Gasiewicz advising them that the water leak on their property must be repaired by October 19, 2016 or the water will be turned off.

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

Varysburg Water – Senator Gallivan Funding

Supervisor Becker has not received official confirmation that the Varysburg Water District will receive the funding for new meters but has been told verbally that the funding will come through. Water bill collector, Janet Bonner, emailed a list of properties that have not had their meters read on a consistent basis to the Town Board members. Supervisor Becker remarked that the list demonstrated the need for new meters that will be more accessible and easier to read.

Maillet Streambank Revitalization Project

The work on the Maillet streambank revitalization project was completed today. The Town highway department was at the site today assisting Wyoming County Soil & Water with the project. Supervisor Becker said he visited the site and that it looks good.

Perry Road Paving

The majority of the paving on Perry Rd. is complete. Supervisor Becker did explain that the post office has concerns that some of the mailboxes on Perry Rd. do not comply with the height standards of 41-45 inches. Supervisor Becker stated that raising the mailboxes to the appropriate height is the landowner's responsibility.

Streicher Land Donation

The Streicher's have not been able to locate the abstract yet.

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Court Grant – Filing Cabinets

The filing cabinets have been delivered. They were put in the storage room upstairs.

Speed Limit Reduction Requests in Town

Supervisor Becker will make some phone calls to find out if the speed limit reduction requests have been approved.

Comprehensive Plan

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 updates to the Town’s Comprehensive Plan, drafted by the Town Planning Board; and

WHEREAS, the proposed updates include updating the names of the current and past Board Members as well as providing for updates to the Town’s infrastructure, resources and community based plans for development and protection of agricultural and residential lands; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon declared its intention to seek lead agency status for purposes of SEQRA review on July 20, 2016, and has reviewed the proposed law and has taken a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF and therefore has advised all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

Brian Becker, Supervisor- Town of Sheldon;
David Ricketson, Highway Superintendent- Town of Sheldon;
Town of Sheldon Planning Board;
Town of Sheldon Zoning Board of Appeals;
Wyoming County Planning Board;
State Office of Historic Parks & Preservation;
New York State Department of Transportation;
New York State Department of Agriculture and Markets;
New York State Department of Environmental Conservation, Buffalo and Albany; and
Town of Attica
Town of Orangeville
Town of Bennington
Town of Java
Town of Holland
Town of Wales

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WHEREAS, in accordance with the State Environmental Quality Review Act, SEQRA the Town of Sheldon has received no comments in opposition to the Town's declaration to seek Lead Agency, therefore the Town Board of the Town of Sheldon hereby declares itself Lead Agency for this project; and

WHEREAS, in accordance with the same, the Town Board of the Town of Sheldon finds no adverse environmental impacts with regard to the update to the Comprehensive Plan and acknowledges that the Town Supervisor for the Town of Sheldon may issue a Negative Declaration on behalf of the Town Board, as Lead Agent in accordance with SEQRA; and

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

RESOLVED, by the Town Board of the Town of Sheldon that the Comprehensive Plan update being considered by the Town Board, has been considered for review under the State Environmental Quality Review Act, also known as SEQRA and the Town Board has advised all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action.

RESOLVED, to declare the Town Board of the Town of Sheldon Lead Agent, for the Supervisor of the Town of Sheldon to execute the Negative Declaration in accordance with the SEQRA.

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

Public Hearing – Comprehensive Plan

A motion was made by Vince Kirsch and seconded by Joe Meyer to schedule a public hearing for the Town Comprehensive Plan on October 19, 2016 at 8:00 p.m.

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

Sealing Blacktop

Hwy. Supt. Ricketson contacted three companies for quotes on sealing the black top at the Town Park. The three companies were: Wall's Blacktop Sealing, Mike's Striping and Mikelly Paving. Only Wall's Blacktop and Mike's Striping sent quotes, Mikelly did not send one. Wall's quote was \$1,950.00 and Mike's Striping was \$3,097.65

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to hire Wall's Blacktop Sealing to seal the blacktop at the Town Park at the price quoted on their September 8, 2016 proposal of \$1,950.00.

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

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Passage of Local Law – Tax Override

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 2017 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 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

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.

Roll call vote:

Becker – Aye

Kirsch – Aye

Armbrust – Aye

Meyer – Aye

Absent: Fontaine

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

BAN – 2016 Paving Projects

The amount of the BAN may change from what was previously discussed – it may decrease. The Attorney’s office is waiting on the final number to be submitted by the Highway Superintendent.

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Zoning Addendum Corrections

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Zoning Board of Appeals to hold a public hearing on proposed changes to the Town Zoning Law Addendum. Ayes: (4) Becker, Kirsch, Meyer, Armbrust Nays: (0) Absent: (1) Fontaine Motion Carried.

New Business

Assessor Reports to the Board

Town Assessor, Ken Pike, addressed the Board. Mr. Pike submitted a timekeeping summary for the time period 12/17/15 to 9/21/16. There was a lengthy discussion regarding what would be needed to perform a revaluation. Mr. Pike is asking for an additional \$8,000.00 in 2017 and an additional \$17,000.00 in 2018 to complete a revaluation for the Town. Mr. Pike reported that he spent some time at Popular Point to straighten out the messy records which existed on the properties located there. At 9:09 p.m. Mr. Pike left the meeting.

Inter-municipal Agreement – Curbside Collection

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the Town Supervisor to sign the Inter-municipal Agreement with Wyoming County for curbside collection through Waste Management.

Ayes: (4) Becker, Kirsch, Meyer, Armbrust Nays: (0) Absent: (1) Fontaine Motion Carried. The price of the contract remains the same in 2016 - \$237.46 per dwelling.

Authorization to Apply for a 2017 Justice Court Grant

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize Justice Kirsch to submit a grant application for Court Security enhancements such as security cameras. Ayes: (4) Becker, Kirsch, Meyer, Armbrust Nays: (0) Absent: (1) Fontaine Motion Carried.

Appointment to Town Park Committee

A motion was made by Joe Meyer and seconded by Mike Armbrust to re-appoint Sue Rogacki to the Town Park committee for a five year term 9/30/2016 – 9/30/2021.

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

Appointment to Board of Assessment Review

A motion was made by Joe Meyer and seconded by Vince Kirsch to appoint Jason Kehl to the Board of Assessment Review for a five year term of 9/30/2016-9/30/2021.

Ayes: (4) Becker, Kirsch, Meyer, Armbrust Nays: (0) Absent: (1) Fontaine Motion Carried. Mr. Kehl will be replacing Earl Bartz.

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Budget Transfer

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the transfer of \$23,000.00 from General Fund to Hazardous Mitigation Fund to cover the BAN payment of \$80,994.44 with the stipulation that money will be transferred back after receiving new BAN of \$55,000.00.

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

Budget Transfer

A motion was made by Mike Armbrust and seconded by Vince Kirsch to authorize the transfer of \$4,000.00 from A1910.4 Unallocated Insurance to A1420.4 Law-Contractual.

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

Budget Transfer

A motion was made by Joe Meyer and seconded by Mike Armbrust to authorize the transfer of \$85.00 from A1640.4 Central Garage to A4230.4 Narcotic Addiction Control.

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

Budget Transfer

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the transfer of \$7,722.00 from DA5142.4 Snow Removal Contract to DA5130.2 Machinery Equipment.

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

Bills:

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

A motion was made by Mike Armbrust and seconded by Joe Meyer that the General Bills #247 to #287 for a Total of \$22,693.24, the Highway Bills #129 to #141 for a Total of \$121,189.22, the Trust & Agency Bills #36 to #39 for a Total of \$1,617.28, the Varysburg Water District Bills #46 to #52 for a Total of \$51,903.92 the Capital Project – Hazardous Mitigation Bills #9 to #10 for a Total of \$99,768.44 and the Lighting District Bills for a Total of \$788.62 be paid.

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

Open the Floor to Comments

At 9:23 p.m. Supervisor Becker opened the floor to comments.

There were no comments from the floor.

Adjournment

At 9:23 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the September 19, 2016 regular meeting of the Sheldon Town Board.

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