

**REGULAR MEETING
SHELDON TOWN BOARD
November 20, 2024**

The Regular Meeting of the Sheldon Town Board held November 20, 2024 at the Sheldon Town Hall, 1380 Centerline Rd., NY 14145 was called to order by Town Supervisor Brian Becker at 7:00 p.m.

Present: Supervisor Brian Becker
Councilmen: Vince Kirsch, Jim Fontaine, Joe Meyer
Absent: Mike Armbrust (Councilman Armbrust video called in for a portion of the meeting)
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Luke Metz, Attorney David DiMatteo, Attorney Eli McWhinney
And ZBA member Mike Pfohl.
There were no others present.

Minutes

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the minutes from the October 16, 2024 regular meeting and the November 6, 2024 budget & local law public hearings be approved.

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

Communications

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

Digitize NY

Items are scanned and will be returned to the Town Clerk on 12/3/24.

DEC Print Fee

The DEC will now allow agents to charge a \$1.00 print fee to customers if the Town chooses. The Town Clerk would not like to add the fee if the Board is in agreement. The Board agreed to not pass on the \$1.00 fee to hunters.

Association of Towns Annual Meeting

The Association of Towns will hold their annual meeting in New York City in February. No board members expressed interest in attending.

Reports

The Town Supervisor financial reports, Town Clerk report and Town Justice reports were distributed.

Wyoming County Zoning Report

The Wyoming County Zoning Report was distributed via email prior to the meeting and hard copies distributed tonight.

Highway Superintendent Report

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Superintendent Metz reported on the following:

Mowing Completed

The County Highway Dept. assisted Sheldon Highway department by providing their boom mower.

Cemetery Sign Installed – Persons Corners

The highway department installed the historical marker sign at Persons Cemetery (Route 20A at Gerald & Christing George property). Historian, Jeanne Mest, received a grant from the Pomeroy Foundation for the sign.

Plow Trucks Ready

The plow trucks are ready for snow season.

County Snow Agreement

The Highway Superintendent gave his approval for the Supervisor to sign the snow & ice agreement with Wyoming County Highway.

Missing Sheldon Sign on Route 20A Varysburg

Supervisor Becker let the Highway Superintendent know that the Sheldon sign on Route 20A entering the hamlet of Varysburg is missing.

Supervisor Report

Supervisor Brian Becker reported on the following:

Hiring of New Highway Employee

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the hiring of **Teddy Herrmann as a Town of Sheldon Highway employee as of November 4, 2024.**

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

New CEO Wyoming County Hospital

Three interviews will be conducted this week for the new CEO search. A new hire should be in place in January before the current CEO departs.

Water Operator Course in Perry, NY

Supervisor Becker and Thane Wright attended a water operator class in Perry, NY. Supervisor Becker reported that the course was very informative. This course is required to keep their water operator certificate valid. There was a chlorine sniffing dog presentation that was very interesting. The dog and handler live in Geneseo, NY.

NYS EFC Letter – Varysburg Water

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Attorney DiMatteo informed the Board that the NYS Environmental Facilities Corporation (EFC) had a question regarding 202-b procedures. Attorney DiMatteo consulted with Tim McGill and both are in agreement that this issue will be resolved. A letter from Mr. McGill and Mr. DiMatteo will be sent to the EFC.

Car Charging Facility Varysburg

Supervisor Becker was notified of a rumor that the proposed electric car charging station in Varysburg was turned down by the Town Board. This is not true. No applications have been submitted to the Town as the owner of the property is still working out logistics with NYSEG and government entities.

Acceptance of Reports

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

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

Old Business:

ARPA Funding

All of the ARPA funding has been spent. Supervisor Becker will submit the report soon.

2025 Budget

The 2025 budget was adopted at the November 6, 2024 meeting.

Varysburg Water

Supervisor Becker, Town Clerk Zittel and Councilman Meyer met with Catherine Rees from RCAP and Steve Mountain from Mountain Engineering on November 13th at the Town Hall to review the recent grant award and determine steps going forward.

Dig Safely

Supervisor Becker received three dig safely requests in the past two weeks. One was from Mountain Engineering to flag out utility lines for the water line replacement project.

Boil Water Notice

There was a recent boil water notice for the Varysburg Water District due to quarterly testing that revealed a chlorine issue. The boil water notice was out of an extreme caution and within 24 hours the water test was clear. Supervisor Becker knocked on doors, texted residents, put flyers out and the notice was posted on the Town FaceBook page.

Schoolhouse Museum Repairs

Justin Schwab has completed the work on the dormers and the bill is in tonight's abstracts. The porch project will start in the spring.

Mills Zoning Violation

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Next court date is December 2nd.

Proposed New Zoning Law

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHELDON
TO SEND NOTICES PURSUANT TO SECTION 617.6 OF
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT
AND TO THE WYOMING COUNTY PLANNING BOARD PURSUANT TO
SECTION 239-L OF THE GENERAL MUNICIPAL LAW**

WHEREAS, all Board Members, having due notice of said meeting, and 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 believes it is the most appropriate candidate to seek lead agency status under State Environment Quality Review Law as the legislative body with the authority to approve the Local Law known as “Recodifying the Town of Sheldon Zoning Code”; 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 has determined that the proposed recodification of the Town’s Zoning Code is a Type II Action, which requires a Coordinated Review seeking the input of other agencies.

WHEREAS, the Town Board of the Town of Sheldon must provide notice of such declaration to the following agencies pursuant to Section 617.6 of the New York State Environmental Quality Review Act:

1. New York State Department of Environmental Conservation
2. New York State Department of Transportation
3. Erie County Department of Environment and Planning
4. Wyoming County Agriculture and Farmland Protection Board
5. Wyoming County Board of Supervisors
6. Wyoming County Planning Board
7. Town of Sheldon Planning Board
8. Town of Attica
9. Town of Bennington
10. Town of Holland
11. Town of Java
12. Town of Marilla
13. Town of Orangeville
14. Town of Wales
15. Town of Wethersfield; and

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WHEREAS, pursuant to Section 239-L of the General Municipal Law, said Local Law with all supporting documents must be submitted to the Wyoming County Planning Board for comments; and

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

RESOLVED, that the Town Board of the Town of Sheldon will begin review under the State Environmental Quality Review Act, also known as SEQRA and that notices will be sent to the following agencies for a Coordinated Review in accordance with Section 617.4 of the New York State Environmental Quality Review Regulations:

1. New York State Department of Environmental Conservation
2. New York State Department of Transportation
3. Erie County Department of Environment and Planning
4. Wyoming County Agriculture and Farmland Protection Board
5. Wyoming County Board of Supervisors
6. Wyoming County Planning Board
7. Town of Sheldon Planning Board
8. Town of Attica
9. Town of Bennington
10. Town of Holland
11. Town of Java
12. Town of Marilla
13. Town of Orangeville
14. Town of Wales
15. Town of Wethersfield; and be it further

RESOLVED, pursuant to Section 239-L of the General Municipal Law, said Local Law with all supporting documents must be submitted to the Wyoming County Planning Board for comments.

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

TOWN OF SHELDON

**RESOLUTION AUTHORIZING A PUBLIC HEARING ON PROPOSED LOCAL LAW
NO. 1 OF 2025: "RECODIFYING THE TOWN OF SHELDON ZONING CODE"**

WHEREAS, all Town Board Members, having due notice of said meeting, and pursuant to Section 94 of the Public Officers Law (Public Meetings 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, Section 261 of Town Law authorizes the Town Board of the Town of Sheldon to adopt, amend, and recodify its current zoning code by Local Law; and

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WHEREAS, the Town Board of the Town of Sheldon is considering the recodification of its existing zoning laws in order to bring it into alignment with the 2017 Town of Sheldon Comprehensive Plan; and

WHEREAS, such Comprehensive Plan seeks to address modern land uses while preserving the community's rural and aesthetic beauty, understanding that it has a rich heritage in agricultural uses and a more recent understanding of the modern world, and the need to accommodate zero emissions, and the Town desires to carry these considerations through to its zoning laws; and

WHEREAS, efforts toward this comprehensive recodification have been undertaken in collaboration with the Town of Sheldon Planning Board, various planners, and community members; and

WHEREAS, the involved parties have come together to produce a draft of the new zoning code ready presentation before the Town Board and the public; 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 Local Law No. 1 of 2025 entitled "Recodifying the Town of Sheldon Zoning Code"; and

WHEREAS, such public hearing would fulfill the for such a public hearing upon the recodification of a zoning law, as laid out in Section 264 of Town Law.

NOW ON MOTION OF Jim Fontaine which has been duly seconded by Joe Meyer, be it

RESOLVED, by the Town Board of the Town of Sheldon will hold a public hearing to consider the adoption of the aforementioned Local Law on the 15th day of January, 2025 at 7:00 P.M., at which time all interested parties and citizens for or against the proposed law will be heard; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a Notice of Public Hearing in the Town's official newspaper, and to acquire an Affidavit of Publication from said newspaper. Ayes: (4) Becker, Fontaine, Meyer, Kirsch Absent: (1) Armbrust Nays: (0) Motion Carried.

TOWN OF SHELDON RESOLUTION TO ESTABLISH RULES FOR PUBLIC HEARINGS

WHEREAS, all Town Board Members, having due notice of said meeting, and pursuant to Section 94 of the Public Officers Law (Public Meetings 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

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WHEREAS, The Town Board wishes to conduct orderly public hearings, and wants to ensure that all interested parties and citizens are allotted their due time to speak before the Board on matters worthy of a public hearing; and

WHEREAS, the Town Board thereby desires to establish rules for public hearings; and

WHEREAS, the Town Board has received a draft of such rules, a copy of which is hereto annexed as *Schedule A*, titled "Rules for Public Hearing"; and

WHEREAS, the Town Board finds it in the best interest of the Town to enact the rules listed therein; and

WHEREAS, a copy of such rules shall be made available to all members of the public prior to the public hearing at the Town Clerk's office for review during normal office hours, and copies of such rules are to be circulated and posted at all such public hearings; and

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

RESOLVED, by the Town Board of the Town of Sheldon shall implement the "Rules for Public Hearing," attached hereto as *Schedule A*, for all future public hearings; and be it further

RESOLVED, that the Town Clerk is hereby directed to keep a copy of such "Rules of Public Hearing" available for public review during normal office hours, and that copies of such rules are to be posted and provided at public hearings.

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

SCHEDULE A

RULES FOR PUBLIC HEARING

1. The Supervisor/Chair shall maintain order at all board meetings and public hearings.
2. All meeting attendees will be required to sign a Sign-In Sheet upon arrival.
3. The public shall be allowed to speak only during a public hearing or during the public comment period of the meeting or at such other times as a majority of the Board shall allow.

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4. All meeting attendees interested in addressing the Board shall mark on the Sign-In Sheet that they wish to speak.
5. Only one (1) person will be allowed to speak at any given time.
6. Any person wishing to speak at a meeting or public hearing will have three (3) minutes in which to do so, the Supervisor/Chair may allow a speaker to continue if time permits.
7. The speaker will be asked to stand up and state his/her full name and address before asking any questions or making any comments and/or statements. Speakers should speak slowly, deliberately and be as brief as possible.
8. The substitution of speakers by the public is not allowed.
9. A speaker addressing the Board shall address his/her remarks to the Board only and not to other members of the audience in the form of a debate. All questions, comments and/or statements will be directed to the Board as a whole and not to any individual member thereof.
10. The Board is not obligated to respond to public comments.
11. Any person wishing to submit a written statement to be read into the record shall provide said statement to the Supervisor/Chair at the beginning of the meeting/public hearing.
12. The use of handheld sound or video recording devices by the public is allowed, unless the recording devices or their use interrupt and interfere with the orderly conduct of the meeting/hearing or with the ability of the public to hear or see the proceedings.
13. Speakers should realize that speaking about items on the agenda and making public comments at board meetings is a privilege, not a right. Those who attend such meetings and decide to freely speak out and voice their opinions should fully realize that their comments and remarks are being made in a public forum.

New Business:

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New Copy Machine

Toshiba submitted a quote for a new copier machine. The Town Clerk and Town Bookkeeper had a few questions about billing before we proceed.

A motion was made by Vince Kirsch and seconded by Joe Meyer to table discussion of the new copier until next month.

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

Snow Contract Amendments with Wyoming County Highway

A motion was made by Jim Fontaine and seconded by Vince Kirsch to authorize the Town Supervisor to sign the snow contract amendments with Wyoming County Highway for the 2023-2024 and 2024-2025 contract.

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

Snow Contracts 2025-2026, 2026-2027, 2027-2028

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize the Town Supervisor to sign the snow contracts with Wyoming County Highway for 2025-2026, 2026-2027 and 2027-2028.

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

Town Clerk Software – Williamson Law Book Company

A motion was made by Joe Meyer and seconded by Vince Kirsch to authorize the Town Supervisor to sign the annual contract with Williamson Law Book Company for Town Clerk Plus Software at a cost of \$559. (\$532 in 2023)

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

Attorney for Wind Contract Negotiations

Supervisor Becker reported that the first wind payment from Invenergy was received in 2007 and that the turbines went online in 2008. Supervisor Becker would like to hire an attorney to review next steps in contract negotiations. Supervisor Becker was given the name of Attorney Dwight Kanyuck as a possible candidate. Supervisor Becker will reach out to potential attorneys to schedule interviews.

Authorization for Steve Mountain to Commence Water Project

A motion was made by Vince Kirsch and seconded by Jim Fontaine to authorize Steve Mountain of Mountain Engineering to commence work on the water project pending resolution of the EFC issue with 202-b procedures and to also authorize the Town Supervisor to submit any required paperwork for loan funding.

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

ESTABLISH LINE ITEMS FOR CAPITAL PROJECT 2025 VARYSBURG WATER SYSTEM IMPROVEMENTS

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On a motion by Vince Kirsch and seconded by Jim Fontaine,

RESOLVED, the Sheldon Town Board hereby establishes the following line items:

HA – Varysburg water system improvements

HA1380.400 Fiscal Agent - Contractual
HA1420.400 Legal Expense - Contractual
HA1440.400 Engineering - Contractual
HA1989.400 Advertising - Contractual
HA8340.400 Transmission/Distribution - Contractual
HA9710.600 Bond - Principal
HA9710.700 Bond - Interest
HA9730.600 BAN -Principal
HA9730.700 BAN - Interest
HA9901.900 Transfers to Other Funds
HA2401 Interest & Earnings
HA2710 Premium on Obligations
HA2770 Miscellaneous Revenues
HA3097 State Aid - Capital Projects
HA4097 Federal Aid Capital Projects
HA5031 Interfund Transfers
HA5710 Serial Bonds
HA5730 BAN Proceeds
HA5731 BAN Redeemed from Appropriation

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

**SOLICIT FOR FISCAL ADVISORS FOR CAPITAL PROJECT 2025 VARYSBURG
WATER SYSTEM IMPROVEMENTS**

On a motion by Jim Fontaine and seconded by Vince Kirsch,

RESOLVED, the Sheldon Town Board hereby authorizes the Town Clerk to solicit for proposals from the following fiscal advisors to manage the Varysburg Water project financing and loan paperwork:

Kelly Lathan, Financial Analyst
Fiscal Advisors & Marketing, Inc.
Western Region Office
5 North Avenue, LeRoy, NY 14482

Mark D. Colopy
FA-Consulting & Capital Project Administrator
28 Mill Street

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Oakfield, New York 14125-1111

Jeffrey R. Smith, President
Municipal Solutions, Inc.
Western New York Office
62 Main Street, LeRoy, New York 14482

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

Bills:

Town Supervisor Becker confirmed that the Board had a chance to review the abstracts. Councilman Kirsch questioned the anti-freeze invoice. Superintendent Metz replied that they received better pricing by buying in bulk.

A motion was made by Vince Kirsch and seconded by Joe Meyer that the General Bills #239 to #265 for a Total of \$48,850.76, the Highway Bills #140 to #156 for a Total of \$56,012.73, the Lighting District Bills #11 to #11 for a Total of \$618.78, the Trust & Agency Bills #15 to #15 for a Total of \$241.00, and the Varysburg Water District Bills #54 to #59 for a Total of \$10,480.89 be paid.

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

Comments from the Floor

There is an issue with the heat pump on the town hall boiler. The heat has been intermittent at the hall the past few weeks and the Town has spent \$1,200 fixing the issues so far. The pump may need to be replaced. The internet at the town hall has been very unreliable as well. Spectrum does not believe it is on their end.

Adjournment

A motion was made by Vince Kirsch and seconded by Jim Fontaine to adjourn the November 20, 2024 meeting of the Sheldon Town Board.

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