

**REGULAR MEETING
SHELDON TOWN BOARD
February 19, 2025**

The Regular Meeting of the Sheldon Town Board held February 19, 2025 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: Joe Meyer, Jim Fontaine
Absent: Mike Armbrust, Vince Kirsch
Recording Secretary: Town Clerk Carol Zittel
Also present: Highway Superintendent Luke Metz
Others in attendance: Melissa Weisenburg, Lorne Lemieux, Thomas Jorgensen, Chris George, Bob Graham, Jim Perl, Helaman Heinrich, Deanne Siemer, Howard Willens

Communications

The Town Clerk, Carol Zittel, reported the following:

Liquor License Renewal – Route 78 Pub

A motion was made by Joe Meyer and seconded by Jim Fontaine to accept, without objections, the notice of liquor license renewal submitted by Thea Herrmann, owner of the Route 78 Pub.
Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Harris Corners – List of Officers

Harris Corners Fire Department submitted their 2025 list of officers and 2024 financial report.

Wyoming County Address Change Policy

Supervisor Becker explained the new Wyoming County address change policy. The policy is on file in the Town Clerk's office.

Free Rabies Vaccination Clinics 2025

The list of County sponsored vaccination clinics is now posted on the Town website.

North Java Fire – 2023 Financial Report

The North Java Fire Department submitted their 2023 financial report. The 2024 report will be forthcoming.

Pay Increase – Town Hall Cleaning

Joyce Griffen requested an hourly increase to \$18.00/hour. (currently \$15.50)

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the pay increase to \$18.00/hour for Joyce Griffen effective January 1, 2025.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Solicitor Permit

It has come to the Town Clerk's attention that Invenergy is sending a salesperson door to door soliciting land leases for solar panels. No prior notification was given to the Town of Sheldon

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and no solicitor permit has been issued. The salesperson has been notified to cease his door to door soliciting until a permit application has been submitted and approved.

Boxler Farm – Variance Applications

The Zoning Board of Appeals met yesterday, on February 18th, to review variance applications submitted by Boxler Maple Farm LLC. The applications have been referred to the Wyoming County Planning Board. A public hearing in front of the Sheldon ZBA is scheduled for March 18, 2025 at 6:00 p.m. at the Sheldon Town Hall.

Correspondence from Attorney David DiMatteo re: Zoning Law Changes

Attorney DiMatteo emailed a letter to the Town Board and Planning Board regarding zoning changes. Mr. DiMatteo read the letter which outlines some of the major changes between the current and proposed law at tonight's meeting.

Tri-Town Seniors Report

The Tri-Town Seniors submitted their financial report prior to tonight's meeting.

Reports

The Town Supervisor financial reports, Town Clerk monthly report, Town Clerk 2024 annual 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

Highway Superintendent Luke Metz, reported on the following:

New Plow Truck

The new plow truck is now at Valley Fab. Invoice will be \$151,150.00.

Plowing Snow

The department has been busy plowing snow.

New Western Star Plow Truck

The Superintendent priced a new Western Star plow truck. Price would be \$193,062.00 (2 years ago it was \$155,000) Plow equipment would be \$167,459.00 for a total of \$360,521.00. The Town Supervisor and Highway Superintendent will discuss budget numbers with our bookkeeper, Katie Chmura, to determine whether it is feasible to order the truck this year.

Excavator

The excavator continues to have the same issues. It is at George & Swede right now. A Caterpillar 314 excavator is \$258,305.00. Trade for ours: \$75,000.

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Salt

The department is good on salt with 300 ton in the barn.

NYSEG Inspection of Lights

NYSEG inspected the new lights in the highway bays and it passed inspection.

Six Star #637 American Legion Presentation

Supervisor Becker invited Melissa Weisenburg & Lorne Lemieux to give their presentation before the Supervisor's report:

Melissa Weisenburg and Lorne Lemieux were present at tonight's meeting to give a presentation on the proposed new legion building. A color brochure was presented. A website is established: www.womenofvalormemorial.org

- The Strykersville legion is the first in the country to be named after a woman, Cari Anne Gasiewicz, who died during Operation Iraqi Freedom
- The Strykersville legion has given over \$200,000/year in charitable giving
- The legion was donated 9 acres (donor would like to remain anonymous)
- The new proposed legion will be home to the first national monument dedicated to women who lost their lives in military service
- The proposed new site will need a variance as there is only 150 ft. of frontage (200 feet is required)
- The first fund-raising committee meeting will be held tomorrow
- The building will serve as a community center as well and will be able to host alzheimers groups, depression groups, classes, bingo nights, etc...
- Grants will be pursued

Supervisor's Report

NYMIR Inspection

Supervisor Becker will meet with a NYMIR representative on Wednesday, March 26th to inspect Town properties, such as the Town Hall, Highway Building, park and schoolhouse.

Charter Communications Franchise Fee

The Town received a check from Charter Communications in the amount of \$23,050.28.

Wyoming County Fire Training Center

Supervisor Becker showed a printed report with the approximate cost for the upgrades to the fire training center to be \$3.6 million. Classrooms will be updated. Supervisor Becker further noted that the original cost for the upgrades when first proposed was \$700,000.00.

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Ethics Policy

The County is updating their ethics policy and will be establishing an ethics board of review.

Acceptance of Reports

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

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Old Business:

New Copier Machine

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the purchase of a new copier machine from Toshiba Business Solutions in the amount of \$4,190.00.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

*the current copier machine (purchased in May of 2014) will be traded back to Toshiba. The current machine recently had a service call and the technician noted that parts for the machine were going to become difficult to obtain

Attorney for Wind Contract Negotiations

Supervisor Becker had nothing new to report. Interviews will be scheduled.

Mills Zoning Violation Update

Attorney DiMatteo reported that the Town is awaiting Judge Kibler's decision on whether the Zoning Officer can go on Mr. Mills' property.

Town Audit

Don Przybyl completed his audit report and emailed it to the Town Supervisor and Bookkeeper today. The report will be distributed at next month's meeting.

Lawn Mowing Quotes

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the Town Clerk to advertise for lawn mowing/landscaping quotes in the Batavia Daily and to open the quotes at the March 19, 2025 board meeting.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Zoning Law Update

There was a lengthy discussion regarding the proposed new zoning law. Supervisor Becker displayed a stack of postcards that were sent to his attention from Town residents. The postcards were mailed to Sheldon residents by a fellow resident in the Town who has chosen to remain anonymous. This resident also created a website with the domain www.sheldonzoning.com. Neither the postcard or website were authorized or endorsed by the Town. The majority of the postcards are in opposition to the new law and ask Supervisor Becker to not adopt the proposed it. Councilman Fontaine indicated that the postcards give residents the impression that

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Supervisor Becker put the new law together. Supervisor Becker agreed with Councilman Fontaine's assessment that the postcard did give this false impression. Councilman Fontaine also noted that the photo used on the postcard was of a farm not located in the Town of Sheldon but rather Java. Councilman Meyer noted that residents in Orangeville and outside of Sheldon received the postcard.

Legal Newspaper

Supervisor Becker explained the reason why the Town utilizes the Batavia Daily newspaper as its legal newspaper, noting that NYS law mandates that the Town use a subscription-based newspaper. There are only two subscription-based newspapers covering the Town: the Arcade Herald and the Batavia Daily. The Town used the Arcade Herald for many years and then decided to switch to the Batavia Daily as it has more days of publication, thereby making it easier to publish legal notices as some notices require a 10- or 5-day prior notice requirement. He also noted that viewing legal notices on the Batavia Daily website is free. Supervisor Becker explains that all notices are posted on the Town website.

Attorney DiMatteo distributed a letter from him addressed to the Town Board and Town Planning Board. Mr. DiMatteo read the letter aloud. The letter provides a summary of the major changes between the current zoning law and proposed law. A copy of the letter is on file in the Town Clerk's office.

Comments from the public:

- Resident Deanne Siemer: there is an analysis that exists that compares the two laws. There are subtle changes that aren't subtle to the persons affected. The risk associated with every one of those changes are significant. Why do we need a new law?
- Resident Thomas Jorgensen: Is there a reason why you took out the restriction on buildings not to exceed 200,000 sq. ft? Mr. Jorgensen questions why the section regarding in-law housing requires the review of a permit every two years

Attorney DiMatteo:

- We left the January public hearing and took what we heard from the public comments and met with the Planning Board last week. The Planning Board is looking at the tables and finding the differences between the laws. At the January public hearing we heard people say the new law is too restrictive and at the February planning board meeting we are hearing that it is too permissive. The new format of the law is to try to make the law consistent with other Wyoming County Towns formats to make it easier for those enforcing the law.

At 8:30 p.m. Attorney DiMatteo left the meeting.

Varysburg Water Update

Supervisor Becker reported on the recent boil water notice for the Varysburg Water District. The notice was due to a chlorine injection issue. There was not enough chlorine residual. This was

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caught by a random check by the Wyoming County Health Department. Councilman Fontaine asked for the water usage vs. pumped water numbers. Supervisor Becker replied that, due to leaks, there is significantly more water pumped than billed. Supervisor Becker has been called to several residences with various leak issues in the past month.

FISCAL ADVISOR SELECTION

FOR THE SHELDON VARYSBURG WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Town requested proposals for fiscal advisor consultant services for the Sheldon Varysburg Water System improvement project; and

WHEREAS, the Town received proposals from three firms and evaluated each proposal with the project team as well as checking references; and

WHEREAS, based on the Town's review, the recommended consultant is Municipal Solutions, Inc. for the scope and services in the December 6, 2024 proposal agreement.

NOW, THEREFORE, on a motion by Joe Meyer, seconded by Jim Fontaine,

BE IT RESOLVED, that the Sheldon Town Board hereby authorizes the Supervisor to execute the Fiscal Services Consultant Agreement with Municipal Solutions, Inc.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Schoolhouse Museum Repairs

Supervisor Becker reported on a water leak at the Schoolhouse. Supervisor Becker stated that possible causes may be due to the heat being on too high and the building not being adequately insulated. Contractor Justin Schwab has been contacted and is working on it.

New Business:

Agreement to Spend Town Highway Funds

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the agreement with Wyoming County Highway to spend Town highway funds.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Wyoming County Traffic Safety Board Appointment

A motion was made by Joe Meyer and seconded by Jim Fontaine to appoint Mary Gibson as the Town of Sheldon representative on the Wyoming County Traffic Safety Board.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Interfund Transfer

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the transfer of \$85,700.00 from Varysburg Water District SW1-9950.9 Capital Projects Fund to Varysburg Water System Improvements – Capital Project HA5031. (Mountain Engineering contract is \$85,700)

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

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Bills:

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

A motion was made by Jim Fontaine and seconded by Joe Meyer that the

General Bills #18 to #40 for a Total of \$22,772.48, the

Highway Bills #13 to #27 for a Total of \$53,896.67, the

Lighting District bills #2 to #2 for a Total of \$666.52, the

Trust & Agency bills #3 to #3 for a Total of \$299.00, the

Varysburg Water District bills #6 to #12 for a Total of \$2,046.08, the

Harris Corners Fire Protection payment of \$38,605.41, the

Strykersville/Harris Ambulance payment of \$1,500.00, the

Java Fire Protection payment of \$25,024.67, the

Sheldon Fire Protection payment of \$132,120.86, the

Strykersville Fire Protection payment of \$59,005.00, the

Varysburg Fire Protection payment of \$39,734.57, and the

Varysburg Water System Improvement bills #1 be paid.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.

Comments from the Floor

At 8:50 p.m. Supervisor Becker opened the floor to comments.

Councilman Fontaine noted that he will abstain on votes relating to the new American Legion.

Councilman Fontaine lives adjacent to the Legion's new site. He recommends that the Legion provide a landscape barrier between adjacent properties.

Adjournment

At 8:55 p.m. a motion was made by Jim Fontaine and seconded by Joe Meyer to adjourn the February 19, 2025 meeting of the Sheldon Town Board.

Ayes: (3) Becker, Fontaine, Meyer Nays: (0) Absent: (2) Kirsch, Armbrust Motion Carried.