

**REGULAR MEETING
SHELDON TOWN BOARD
January 15, 2025**

The Regular Meeting of the Sheldon Town Board held January 15, 2025 at the Sheldon Town Hall, 1380 Centerline Rd., NY 14145 was called to order by Town Supervisor Brian Becker at 7:09 p.m.

Present: Supervisor Brian Becker

Councilmen: Vince Kirsch, Jim Fontaine, Joe Meyer

Absent: Mike Armbrust & Town Clerk Carol Zittel

Recording Secretary: Deputy Town Clerk Kate Bulera

Also present: Highway Superintendent Luke Metz, Deputy Town Clerk Donna Almeter, Planning Board Members - Don Pawlak, Kathy Roberts, Debbie Kirsch, Jeff Nixon, Wyoming County Zoning Officer Don Roberts, Court stenographer Carley Garretson and Attorney David DiMatteo. There were also over 140 members of the community in attendance. A signed list of all present is on file in the Town Clerk's office.

Open Public Hearing- Proposed New Zoning Law

A motion was made by Vince Kirsch and seconded by Joe Meyer to open the public hearing for the proposed new zoning law at 7:09 pm.

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

Court stenographer, Carly J. Garretson took verbatim notes of the public hearing as shown below:

**PUBLIC HEARING
TOWN OF SHELDON**

HELD AT: Sheldon Town Hall
1380 Centerline Road,
Strykersville, New York 14145

DATE: January 15th, 2025

TIME: 7:09 p.m. to 8:40 p.m.

REPORTED BY: Carly J. Garretson
Forbes Court Reporting Services, LLC
21 Woodcrest Avenue,
Batavia, New York 14020
(585)343-8612

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APPEARANCES OF COUNCIL

Brian Becker, Supervisor;

David DiMatteo, Town Attorney;

Don Roberts, Zoning Officer;

Kate Meyer Bulera, Deputy Town Clerk;

Vince Kirsch, Town Board Member;

Joe Meyer, Town Board Member;

Jim Fontaine, Town Board Member;

Kathleen Roberts, Planning Board Member;

Don Pawlak, Planning Board Member;

Deb Kirsch, Planning Board Member;

Jeff Nixon, Planning Board Member.

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1 SUPERVISOR BECKER: Hello. I'm Supervisor Becker.

2 Thank you all for coming. We start, always, with a pledge
3 to the flag.

4 First thing I'm going to ask is for everybody to
5 introduce themselves that is on our Town Planning Board.

6 These are four of -- I believe we have three, two
7 alternates, correct? One alternate. So there's actually
8 six people in all. These are four of them.

9 We have three of the four councilmen. We have a
10 deputy clerk. And if you will, please.

11 MR. NIXON: Jeff Nixon. I'm on the planning board.

12 MS. KIRSCH: Deb Kirsch, planning board.

13 MR. PAWLAK: Don Pawlak, planning board.

14 MS. ROBERTS: Kathy Roberts, planning board.

15 MR. FONTAINE: James Fontaine, town board.

16 MR. MEYER: Joseph Meyer, town board.

17 MR. KIRSCH: Vince Kirsch, town board.

18 MS. BULERA: Kate Bulera, deputy clerk.

19 MR. ROBERTS: Don Roberts, zoning officer.

20 MR. DIMATTEO: Dave DiMatteo, town attorney. If I

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21 can, can I just set -- we have to start this off. I have to
22 read the notices that got you here. Probably one of the
23 notices that got you here. This is one that was published
24 in the Batavia Daily News, I think, on January 2nd. I'm
25 just going to read it.

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1 Notice is hereby given that a public hearing will
2 be held by the Town Board of the Town of Sheldon at the Town
3 Office located at 1380 Centerline Road, Strykersville, New
4 York on the 15th day of January, 2025 at 7 p.m. to give
5 citizens the opportunity to consider a proposed local law
6 that will recodify the Town of Sheldon Zoning Code.

7 Section 261 of the Town Law authorizes the Town
8 Board of the Town of Sheldon to adopt, amend, recodify its
9 current Zoning Code by local law. Having adopted a
10 Comprehensive Plan in 2017, the Town Board desires to bring
11 the Zoning Board in alignment with such Plan. A draft of
12 the new Zoning Code is slated to come before the Town Board
13 on the above date, and Section 264 requires that the public
14 hearing be held before such draft is adopted into law.

15 All persons interested in the subject matter of
16 this hearing will be entitled to be heard at the time and
17 place thereof.

18 Please further take notice that the environmental
19 significance of the proposed local law will be reviewed at
20 said public hearing. A copy of the proposed local law is

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21 available at the Town Clerk's Office during regular business
22 hours. Carol Zittel, Town Clerk Town of Sheldon.
23 And, again, that was published in the Batavia Daily
24 News, the official newspaper of the Town of Sheldon. And,
25 again, we've got an affidavit of publication dated 1/2 of

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1 '25.

2 Also, in accordance with 239 of the General
3 Municipal Law, the proposed law was referred to the County
4 Planning Board. The County Planning Board recommended
5 approval with comments. And that, again, is available for
6 anybody to look over.

7 Do you want me to keep going?

8 SUPERVISOR BECKER: Yeah, keep going.

9 MR. DIMATTEO: There are certain rules for this
10 public hearing. And I don't know if everybody received a
11 copy, but I can go through them real quick.

12 The town supervisor will maintain control over the
13 public hearing. All meeting attendees will be required to
14 do a sign-in sheet. It's real important that we know who
15 you are, where you live, just so that we -- if we have
16 questions about your questions.

17 We're all sitting up here with a pad here, trying
18 to figure out what you're telling us and where we -- what
19 we're being directed to do. So if you can give us your name
20 and your address, and then if there's a specific section of

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21 the law that you've seen as it applies to you or you think
22 is applicable, so that we can begin to write our comments on
23 it.

24 All meeting attendees interested in addressing the

25 Board shall mark the sign-in sheet. Only one person will be

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1 allowed to speak at any given time. Any person wishing to
2 speak at the meeting or public hearing will have three
3 minutes in which to do so, the Supervisor/Chair may allow or
4 continue if time permits.

5 The speaker will be asked to stand up, and I think
6 we're going to have you come up here. We have a court
7 reporter here, because it's very important what you tell us,
8 we want to make sure we make note of it. We've only been
9 working on this since September of 2017. So, again, as your
10 comments come in, they're helpful for us.

11 There's no substitution of speakers. The speaker
12 addressing the Board shall name their address, his or her
13 remarks to the Board only and not to other members of the
14 audience in the form of a debate. All questions, comments
15 or statements shall be directed to the Board as a whole and
16 not to any individual members.

17 The Board is not obligated to respond to the
18 comments. Again, we're trying to gather information
19 tonight. There may be additional public hearings after
20 this, after we get your information.

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- 21 Any person wishing to submit their comments in
22 writing. If you say something here tonight and you want to
23 make sure we heard it, put it in writing and get it to us.
24 We'll probably keep that time period open for another 10 to
25 21 days just so we can get those comments.

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1 The use of handheld sound or video recording
2 devices by the public is allowed, unless your device becomes
3 an impediment to the meeting.

4 Speakers should realize that speaking about items
5 on the agenda and making public comments at board meetings
6 is a privilege, not a right. Those who attend such meetings
7 and decide to freely speak out and voice their opinions
8 should fully realize their comments and remarks and being
9 made in a public forum.

10 So with that, again, three minutes per person. I
11 don't know what -- was a sign-in sheet out front? Do we
12 have -- did everybody sign in who wanted to speak? Do we
13 have that sign-in sheet so we can call people in order?
14 Okay. We're getting it.

15 Again, the only other thing I wanted to bring to
16 everyone's attention. If you look at Section 101 of the
17 zoning -- the proposed zoning law, the purpose of this is to
18 promote public health, safety and general welfare of the
19 people of the Town of Sheldon.

20 The zoning law, the Comprehensive Plan and the

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21 zoning map are furtherance of the following related to the
22 specific purposes of, one, protect the open, rural and
23 natural character of the land. Two, preserve the Town of
24 Sheldon's natural resources and habitats. Three, to guide
25 and regulate the growth, development and redevelopment of

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1 the Town of Sheldon in accordance with a well considered
2 plan with long-term objective and principals and standards
3 deemed beneficial to the interest and the welfare of Sheldon
4 residents. And, finally, to provide consistency with the
5 Town of Sheldon Comprehensive Plan.

6 That being said, then, if you want, we can call one
7 at a time and you guys can -- did you want them to stand
8 here?

9 SUPERVISOR BECKER: I would say here. Do we want
10 anything of how we came about this or just comments?

11 MR. KIRSCH: It's now by the county. I don't know
12 if people are aware of that, that the county has taken that
13 over. Maybe just a brief description on where we are today
14 with zoning and who manages and who oversees it.

15 SUPERVISOR BECKER: Don, do you want to take this?

16 MR. ROBERTS: Yeah. I mean, we can talk about
17 that. So let's go over a little history on where the
18 Planning Board started with this.

19 So they've been working on updating their zoning

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20 regulations for, probably, almost eight years now. So the
21 last couple of years I was introduced to the project from
22 the county as we had done a consolidation effort at the
23 county level to come up with two model zoning regulations.
24 The Town of Sheldon felt that our model two law at
25 the county level more fit the rural character of what we're

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1 doing here over at the town level, so that's the one we
2 decided to use as the master template.

3 They've had a number of years prior to talk about
4 things that were important to the town and things that
5 needed to be updated in the zoning regulation. The zoning
6 regulation is always a live document. We've never stopped
7 working on this.

8 You know, for example, as we look back with solar
9 and wind. You know, 20, 30 years ago we never thought we
10 would be talking about solar and wind laws. So things
11 evolve over time, and frequently, from time to time, you
12 need to update your zoning regulations.

13 So the Planning Board has been working on that
14 diligently for a bunch of years, and we kind of came in at
15 the last couple of years and molded that model two law to
16 fit the needs for the Town of Sheldon. And that's what kind
17 of brought us to this point.

18 The Planning Board felt that we finally reached a
19 point within the adoption of the regulation and the work and

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20 efforts provided in it that we had something to present to
21 the Town Board, and that kind of brought us here today. So
22 that's a little bit of a history lesson on how we got here,
23 the length of time we've been working on it and where it
24 came from.

25 SUPERVISOR BECKER: I just wish to do a couple

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1 question and answer. What percentage of this would you say
2 is already in our existing zoning law?

3 MR. ROBERTS: I would say probably 90 percent of
4 the information is currently existing or law is still there
5 today. So what the -- a lot of the stuff that we did with
6 current law is we did a lot of reformatting.

7 So we have basically three tables within the law.
8 If you want to build something, you have to go to three
9 different news tables to figure out what you want to do and
10 kind of assemble it to put it together.

11 So we did those and we reorganized the tables
12 within the law. So if you want to build a house on a lot, I
13 could literally give you a one page table and it gives you
14 all the information on one page. So we tried to simplify
15 it, you know, make it more user friendly as a document that
16 everybody can use.

17 SUPERVISOR BECKER: Are some of these portions,
18 maybe newer portions in this, more of state regulations that
19 we simply adopted?

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20 MR. ROBERTS: There are some new thought processes
21 within the law. I can give you a couple of examples of
22 what's new. Accessory dwelling units, so that would be a
23 new thing. So if you have -- and this is something that's
24 kind of spreading across nationally.
25 So if you have a residential home and you have an

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1 existing garage or pole barn on your lot and you might want
2 to convert it to an in-law apartment for income, this law
3 allows you to do that. Okay?

4 So that goes along with the State's push on
5 creating housing, which we all need. We're short on
6 housing. We do need more housing. But that was apart of
7 the zoning law that we introduced to help provide that,
8 those things we can do.

9 Another thing that we did within the law is we
10 provided a method to do -- for farm worker housing. As we
11 know, the farming is very important for our county. The
12 zoning law helps to protect farming, the farm worker housing
13 section of the law, since barns are getting just bigger and
14 bigger. Housing is a real necessity.

15 The current law says that we can have one dwelling
16 per parcel. Now, we're going to introduce accessory
17 dwelling units, but that might not fulfill the needs for
18 farming. So this allows the farmer on the farm lot to put
19 up an additional, up to, five houses on the same lot serving
20 the farm for housing. So that's something new.

21 Camping regulations. You currently have a camping

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22 regulation in the zoning law now. This actually is less
23 restrictive than the current regulation. So if you have a
24 vacant lot and you want to put some campers on it, this law
25 will allow you to put up to five units on your recreational

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1 lot to provide for camping. It does require a permit. The
2 permit has to be renewed annually, and that is to track what
3 we're doing with septic and water, basically.

4 SUPERVISOR BECKER: Airbnb?

5 MR. ROBERTS: Airbnbs are allowed. Unique things
6 about Airbnbs. The difference between bed and breakfast and
7 Airbnb. Airbnb is not a change of anything in your single
8 family home. If you choose to be a snow bird and go to
9 Florida for the winter and you want to rent your house out
10 during that time, no permits, no nothing. Open it up.
11 Okay.

12 SUPERVISOR BECKER: Another big question that I
13 have been receiving is the subtext from wetlands and swamps.
14 We're basically following New York State DEC rules on that,
15 correct?

16 MR. ROBERTS: Yeah. So floodplain management --
17 first of all, so we have what we call -- there's an EPOD
18 district regulations within the law. It deals with
19 floodplain administration, which you currently have within

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20 the law. We have to have it in our law, because for
21 floodplain administration under the FEMA rules, if we
22 don't -- if we're not part of that and we have an event and
23 there's a flood event, we're not going to get any funding
24 back to the town. So we have to be part of that. It has to
25 be within the law.

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1 We also put a section in the law for specific set
2 backs to listed streams and federal wetlands, which is
3 common practice. So if you live on a listed stream, you
4 can't build anything within 50 feet of it. Those are DEC
5 regulations. We note it in our rule to back up the DEC
6 regulations.

7 A MEMBER OF THE AUDIENCE: Does that mean --

8 SUPERVISOR BECKER: You don't have that right, sir.
9 Okay? Thank you.

10 Anybody that has a nonconforming building next to
11 stream, nonconforming, those are grandfathered, correct?

12 MR. ROBERTS: Correct.

13 SUPERVISOR BECKER: Okay. I know that that was a
14 question that was given. These are grandfathered. We're
15 not going out after people. Okay?

16 MR. DIMATTEO: Do we need a motion to open up the
17 public hearing?

18 SUPERVISOR BECKER: Please.

19 MR. KIRSCH: Second.

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- 20 SUPERVISOR BECKER: Motion made by Vince Kirsch and
21 seconded by Joe Meyer to open the public hearing. All in
22 favor?
23 MR. FONTAINE: Aye.
24 MR. MEYER: Aye.
25 MR. KIRSCH: Aye.

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1 SUPERVISOR BECKER: Thank you. As of right now I
2 have Lorne Lemieux, Factory Road. Again, sir, if you would
3 like to talk.

4 MR. LEMIEUX: I think you pretty much addressed it
5 before the meeting and then what I heard now. My concern
6 mainly was wetlands issue. And where I live on Factory Road
7 next to Buffalo Creek, I have four tributary feeder streams
8 that run right down there. So I was a little worried about
9 that, the setbacks on that and keeping it clean.

10 As I explained to you, one, that runs down behind
11 the cemetery. It's been a dump site for I don't know how
12 many years. Certainly after I moved in there. But there's
13 thousands of tires in there over the years. Thousands. And
14 they come down every time there's a gully washer.

15 And I wouldn't want to be held accountable for
16 that. If somebody comes in, an environmental -- radical
17 environmentalist shows up and says, you got to clean that
18 up. Well, the whole damn Army couldn't clean it up. And I
19 want to make sure that that kind of thing isn't going to

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20 happen.

21 That was my main concern, because I just -- my
22 whole driveway is three-eighths of a mile long. All of it's
23 within 50 feet of Buffalo Creek. As a matter of fact, when
24 the creek gets high, my driveway goes across the road. So I
25 worry about the wetlands part of it. But Brian pretty well

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1 cleared it up.

2 SUPERVISOR BECKER: Again, that is not us. Okay?

3 MR. LEMIEUX: I understand that's not you, but if
4 you follow state law. And I want to make sure he's not
5 coming in to burn me.

6 MR. ROBERTS: No, sir.

7 MR. LEMIEUX: I feel better.

8 SUPERVISOR BECKER: Next I have to ask to comment
9 is Shawn Wright. Where's Shawn at? Shawn, if you can make
10 it this way, please.

11 MR. WRIGHT: My only concern was I hear you said 90
12 percent of it is already -- it's in place now. Okay. But
13 usually, you know, when a law -- a publication has put out a
14 law or a whether it's a statute, like, whether it's vehicle
15 and traffic law or criminal procedure law, penal law,
16 whatever.

17 Whenever there's a big change or any change at all,
18 there's usually a summary or an appendix or something that
19 tells people what has changed. You know, what has changed,

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20 what's been added or something like that. I didn't see that

21 in the document that was online. Now, is there one or did I

22 miss it?

23 SUPERVISOR BECKER: Which document, number one, are

24 you talking about online?

25 MR. WRIGHT: The proposed --

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1 SUPERVISOR BECKER: At the Town of Sheldon.com?

2 MR. WRIGHT: Yeah, yeah. There was nothing on
3 there. I didn't see anything that said what --

4 MR. DIMATTEO: I don't think we did that, Shawn.

5 Again, the codes there, there's a lot of subtle changes. I
6 don't know that I would want to represent to someone, hey,
7 look, I looked at this and these are the only changes. I
8 think you need to look at it from your own perspective.

9 MR. WRIGHT: Well, I don't believe that. If the
10 state's done it and been state law for years, I think that
11 we should be able to do it. There's got to be a working --
12 what I'm saying is there's got to be a working outline or
13 something, I would think, somewhere online where you guys
14 have got a checklist or something like that where you can
15 send out a little summary. Okay. Well, this is the old law
16 and this has been changed or this is brand new law, so
17 people don't have to go page by page by page, back and forth
18 and stuff like that.

19 MR. ROBERTS: I understand. We haven't put

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20 together any document on side by side analysis, like, here's
21 the old law and here's the new law that was changed.
22 We have a working document. And you can tell
23 looking through that working document we do have some other
24 follow-up documents working through there where you'll see a
25 lot of strike outs and additions. Those were done in

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1 different colors so that we knew what was done then.

2 MR. WRIGHT: So it wouldn't be hard to put together
3 a summary or an appendix to put online for people to look
4 at?

5 MR. ROBERTS: Yeah, we could probably put something
6 up where it would be this document with a bunch of strike
7 outs in it.

8 MR. WRIGHT: Well, usually, like, if you look at
9 a -- like a state law, when you look at the appendix or
10 whatever, it just puts down, well, this section of law has
11 an amendment, this section of law is new.

12 You know, I'm not -- basically what I'm trying to
13 do is -- I don't want you to go whole hog on this. What I'm
14 saying is if there was something that said, hey, get the two
15 laws together, this is a change, all right, so you can go
16 look at the old one, you can look at the new one and see
17 what what you guys have done. Plus, you say it's 90 percent
18 the same any way.

19 MR. ROBERTS: Yeah. It's just been rearranged in

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20 the law. A lot of the current sections still exist.

21 MR. WRIGHT: I'm not asking you to print out or
22 scan and put both things side by side, but if you just had
23 something that said this has changed, this is new. People
24 can look it up themselves.

25 MR. ROBERTS: I understand.

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1 MR. WRIGHT: That's the way they've been doing it
2 for a hundred years.

3 SUPERVISOR BECKER: This is not our current law.
4 This is one of the early versions. If you see, there's
5 cross outs, there's X marks, there's additions and stuff
6 like that. They've done a lot of work on this.

7 MR. WRIGHT: Like I said, whatever is easier for
8 you people. But I'm just saying that I think that should be
9 something that's available for people to review this law and
10 might be working with this law or have questions about the
11 proposed law.

12 And I commend you. I know it's a -- you've been
13 working on it for a long time. It's a hard job. But I
14 just -- when you get down to the finished product, it would
15 be nice if the constituent and the voters and the people
16 could say -- make it easy for them. I know you guys have
17 done a lot of hard work. Okay? But let's face it, this is
18 going to affect quite a few people, probably, so they want
19 to know where they stand with it.

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20 SUPERVISOR BECKER: Thank you.

21 MR. WRIGHT: That's my concern.

22 SUPERVISOR BECKER: I have an M. McNall, looks

23 like, Centerline Road, Varysburg. Mary?

24 MS. MCNALL: Yes. I've got a couple of concerns.

25 One, just to piggyback on what you just said. Could you

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1 just print out the ten percent that's new and the changes
2 that are involved? Because if 90 percent of it is old, then
3 what we're really concerned with is the new and what's going
4 to happen.

5 That being said, we've lived in and had a horse
6 property here for 40 years. Getting to the point where I'd
7 like to -- we're thinking of maybe selling it or having it
8 inherited at some point.

9 Your regulations on acreage for horse properties
10 have gone up to 20 acres for a farm -- for a horse farm,
11 commercial facility, boarding, training. If that's the
12 case, then I can't -- I can't sell my property as what we've
13 used it for for 40 years because we don't have that much
14 acreage.

15 MR. ROBERTS: Is it a preexisting thing that you've
16 been doing all along?

17 MS. MCNALL: We've been doing it for 40 years.

18 MR. ROBERTS: Okay. If you've been doing it all
19 along, it's going to be -- I'm going to use the word

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20 grandfathered in, because everybody kind of understands that
21 term, or what we call preexisting nonconforming. So if
22 you're doing it today, the adoption of this law is not going
23 to change what you're currently doing.

24 MS. MCNALL: But not for me. What if I sell it?

25 MR. DIMATTEO: You can sell it and it would sill be

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1 prior nonconforming use.

2 MS. MCNALL: For sure?

3 MR. DIMATTEO: For sure.

4 SUPERVISOR BECKER: People, please.

5 MR. ROBERTS: And if there's a lending agency
6 involved -- let's say you sell it, somebody has to go to the
7 bank or a lending agency to take out a loan. They would
8 generally ask us for a letter of conformance for zoning
9 compliance.

10 We would give that letter out for zoning compliance
11 before that sale, because that's going to help -- they'll
12 also ask for a bunch of other stuff, permits, violations and
13 other stuff. But it's generally part of the sale.

14 MS. MCNALL: Okay.

15 SUPERVISOR BECKER: Anything else?

16 MS. MCNALL: The other thing is my son just moved
17 in and plans to stay for a long time. Acreage, again. You
18 got limitations on what they can do if they have ten acres
19 or -- if they have to have at least ten acres for another

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20 building.

21 If he's just shy of ten acres, is that going to be
22 a problem? I mean, he bought -- he came in good faith, not
23 expecting to be limited on what he can do with his property.

24 MR. ROBERTS: So regulations for, like, a house is
25 what you're talking about?

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1 MS. MCNALL: Another barn.

2 MR. ROBERTS: On a piece of property that currently
3 has a house and outbuildings already?

4 MS. MCNALL: It's got the outbuilding and he's in
5 the process of building the house.

6 MR. ROBERTS: Okay. So there's a section in the
7 zoning law for preexisting nonconforming lots. So if you
8 want to build another accessory building, you just need to
9 meet the set backs. We could care less about the acreage.

10 MS. MCNALL: Okay. All right.

11 MR. DIMATTEO: That's at page 42, Article 5,
12 Section 500.

13 SUPERVISOR BECKER: Okay. Next one that I have is
14 Lynn Tozier. Lynn Tozier?

15 MR. TOZIER: All right. Biggest issue I got is
16 special use permit, but you're telling me that -- what you
17 were saying is we don't have to have a special use permit to
18 be in my repair shop and stuff if it's existing?

19 MR. ROBERTS: If it's preexisting.

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20 MR. TOZIER: Okay. And then the other things that

21 I got -- because you're doing that for bars, taverns,

22 restaurants, all that?

23 MR. ROBERTS: Yep.

24 MR. TOZIER: So you got to actually put that in

25 your law that says that that preexisting condition or ones

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1 there are exempt. It doesn't say that in here.

2 And the other thing I've got with the automotor
3 repair, you're saying cars can't be on my property more than
4 48 hours I'm working on. There's times when I don't get
5 parts for a week.

6 MR. ROBERTS: You're a licensed --

7 MR. TOZIER: Licensed repair shop. But there's
8 times when you can't get an engine in a week. It could be
9 sitting out in your yard for a week before you got the
10 parts. But you're saying 48 hours. Ten vehicles, 48 hours
11 all can be on there.

12 MR. ROBERTS: Yeah. The licensed repair facilities
13 have a different set of regulations.

14 MR. TOZIER: But that's not what you got in here,
15 so you got to redo it. All right. That's my questions.

16 SUPERVISOR BECKER: Okay. I'm not sure if I'm in
17 order any longer. I'm not sure if somebody wants to speak
18 on these. I'll go down the side that somebody had wrote at
19 the top of it. Derek Kirsch, Minkel Road. Would you like

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20 to say something?

21 MR. KIRSCH: Yeah. So I'll be honest, I fell into
22 kind of click bait, if you will, of the postcard. I didn't
23 read really any of it. I don't know who has time to read
24 through that. But if some of the kind of HOA things, like
25 mowing your grass, keeping cars off of lots, I'm just taking

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1 the stance of you shouldn't give people more power for
2 really no reason.

3 I don't want someone telling me I can't have
4 vehicles on my lot for any reason or to cut my grass. You
5 know, I mean, that gets into property tax and everything of
6 why you dress up a property and you pay more, but I still
7 shouldn't be told to clean up my own stuff. Does that make
8 sense? So if that really is in there, then I have a big
9 problem with it.

10 MR. ROBERTS: It's there.

11 MR. DIMATTEO: But the other thing is it's in state
12 law any ways, and the state law is even more restrictive
13 than the town law.

14 MR. KIRSCH: To not have vehicles on lots?

15 MR. DIMATTEO: Yes.

16 MR. JORGENSEN: Can the county enforce it?

17 MR. DIMATTEO: No, because there aren't enough
18 people and there's not enough time in the day. It's there.
19 There's not enough -- you have to pick the worst offenders.

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20 MR. KIRSCH: Well, I get it. And I get if there's
21 someone that complains then you guys have to something in
22 writing that you can actually enforce it. But, also, I
23 don't think anyone should be able to enforce it. If someone
24 wants to live like a slob and have shit all over their lot,
25 that's their choice.

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1 SUPERVISOR BECKER: I believe -- I can see 3474

2 Bartz Road. Does somebody want to speak?

3 MR. HEINRICH: So I don't have a whole lot to say.

4 SUPERVISOR BECKER: Your name, please.

5 MR. HEINRICH: Helaman Heinrich. I don't have a

6 whole lot to say about the new law, but I can tell you the

7 old one I had some struggles with.

8 I bought a property and I dealt with Erie County on

9 it. And I'm sure Don is very familiar with this piece of

10 property. I had some tenants living there when I brought

11 the property. It was right after COVID. I wasn't allowed

12 to evict them, so they got to stay. Years later they

13 claimed residence and I couldn't evict them at that time

14 either.

15 Okay. I'll get to the point. My point being is,

16 if there's -- if that law gets any harsher and we have

17 tenants, somebody occupies a house, whether it's vacant or

18 they just show up while you're gone, at this point in time

19 we can't kick them out. We can't do anything.

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20 So I was told multiple times, oh, just go get a
21 lawyer. And then I was told, well, if you get a lawyer, New
22 York State now has a self-help law, which basically means if
23 the property is not up to code, if the water is shut off, if
24 the electric is off, if there's any problems with the
25 property and you get a lawyer and you're going through the

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1 eviction process, they can now charge you with a crime. And
2 they told me I could do 30 days in jail if I was going to
3 try to evict these people off my property.

4 So that's -- and they're not paying the rent. They
5 never paid me a dime. I had no contract with them.

6 SUPERVISOR BECKER: That's not our zoning law, sir.

7 THE WITNESS: But that's Don Roberts. He was the
8 one enforcing me. He charged me. And even though they
9 finally dropped the charges the first year, they still
10 required me to pay the county's lawyer fees. And then they
11 came after me the next year with the same thing. That time
12 I sold the property.

13 So if they want more power and more control, that's
14 what they do with the less power that they had before.

15 MR. DIMATTEO: Thank you.

16 SUPERVISOR BECKER: Earl Bartz? Do you want to
17 speak, Earl? You're on the column. Okay. 3399 Bartz Road?
18 Mike Schunk, 2827 Valley View? Want to speak? Again, I
19 apologize. We should have printed more of these pages. Roy

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20 Metz is on that side. Yes? No?

21 MR. METZ: I'm good.

22 SUPERVISOR BECKER: Not sure. Jeremy Rydza? Would
23 you please spell it?

24 MR. RYDZA: R-Y-D-Z-A. I've lived here since 1990.

25 I moved away. I moved to California. I've dealt with the

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1 corruption and politics, whatever. I'm not saying anyone
2 here is. What I'm saying is control and HOA is not a good
3 thing.

4 I moved back here because I take pride in my
5 county. I take pride in my Town of Varysburg. And control
6 is not a good thing, and I've lived it. I've been in HOAs.
7 I've been told to take my garbage cans in when I didn't want
8 to. I've been told to do certain things.

9 I'm not saying what you've done is a bad thing.
10 I'm not saying what you've done is a good thing. I'm just
11 saying that when you take certain protocols and you start to
12 regulate people's property when it's not yours -- it might
13 be on the county that we reside in, but it's not your
14 property. It's ours.

15 And I'm just saying from the standpoint of if
16 you're going to say that 10 percent of it is new, 90 percent
17 is what we're currently living, give a break of the 10
18 percent. Be transparent. I think that's what everybody
19 here wants is to be heard.

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20 MR. DIMATTEO: Mr. Rydza, your address?

21 MR. RYDZA: 2260 Thomas Road.

22 SUPERVISOR BECKER: Thank you. Next one on that

23 side was David Russell? No. Nina Lewis is on that side.

24 Mike Peresan, would you like to speak?

25 MR. PERESAN: I didn't realize it was to talk, but

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1 since I signed up for that I might as well.

2 SUPERVISOR BECKER: Come on up, Mike. And your
3 address, please.

4 MR. PERESAN: My address is 493 Bloecher Road,
5 Strykersville. And I didn't plan on talking. I thought I
6 had to sign in. But since I did, I might as well talk.

7 I'm sure the planning board has been working
8 diligently on this and other things. And the planning board
9 was also working diligently on my property back in the late
10 90s when they wanted to rezone Bloecher Road into industry.

11 I'm assuming most people in this room are here
12 because of the postcard. I'm assuming. I could be wrong.
13 I commend whoever sent that postcard. Right or wrong, I
14 don't know who, male, female, entity, whatever, but it did
15 inform us.

16 And I know David mentioned that it was in the
17 Arcade -- no. It was in the Batavia Daily. Back in the day
18 it was Arcade Herald. Which the circulation in the Town of
19 Sheldon was probably a handful more than town board members.

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20 So I guess what I'm saying is most of the people
21 are here for this, and it's -- I think that the Town Board
22 website is excellent. I think Carol does a great job at
23 updating that. So the information is there. It's just,
24 like, most people just don't access it.
25 So I guess if a flyer wouldn't have been put in my

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1 mailbox back in the late 90s, Bloecher Road could have been
2 rezoned industrial by the Comprehensive Plan and the
3 planning board back in the day.

4 The only I'd like to comment is I did kind of go
5 through the new zoning law. I skimmed over it, like most
6 people. Some things were -- like, when they say the
7 enforcement officer, who's the enforcement officer? So it
8 would be the county. Okay.

9 And so I would just like to say that I think that's
10 dangerous. And the reason I say that is because there's --
11 like, this -- the Town Board is going to pass this law,
12 right? And I feel -- well, I mean, they're the ones that
13 have to do it. And I think they're, like, voted in by this
14 town.

15 And whenever you give power to -- let's call it,
16 like, a higher authority, right? The Town Board all of a
17 sudden says, it's out of my hands. And I think -- and it's
18 like -- I mean, remember Jefferson, right? Third president.
19 Wrote the Declaration of Independence, right? And there was

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20 a big struggle back then. It was states rights and -- and
21 it was Hamilton who wanted the central power, right? And
22 that was a struggle.

23 But if you go back, Jefferson later, when he was
24 older, said -- he thought states rights weren't any good.
25 He said local. And I think that if the town -- if the

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1 people are going to come to the Town Board and say, hey, I
2 got two shrubs, I got to take these shrubs out or whatever
3 guy was talking about grass, that seems a little bit of an
4 overreach to me.

5 And that's why if the Town Board does decide to
6 pass, I would like the authority coming from the town, not
7 the county. That's my two cents.

8 A MEMBER OF THE PUBLIC: Are you going to run for
9 zoning officer?

10 MR. PERESAN: Okay. I understand. I do read the
11 minutes. I do understand there's certain issues. But I
12 guess, like, when I read the minutes I don't see a lot of
13 zoning issues. I don't see like, oh, so and so complained
14 about this. I never see them. So I'm, like, how big of a
15 deal is it?

16 I realize at times there's issues, but to -- I
17 think if you could handle them on the local level, I just
18 think it's -- it makes sense to me. Let the county -- if
19 we're paying the taxes and we're paying for their employment

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20 any ways, just have the county enforce, not the -- someone's
21 driving this, right?

22 The Town Board -- I'm making an assumption. The
23 Town Board, the planning board, the zoning board is saying
24 our zoning is way out of whack, we really need to get this
25 back together. I think it came from higher above. And I

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1 think that's a mistake. That's all. I would like to keep
2 everything on the local level.

3 SUPERVISOR BECKER: Thank you.

4 MR. PERESAN: Thank you.

5 SUPERVISOR BECKER: What year did Kenny die? Ken
6 Martin, our long time zoning officer, unfortunately he
7 passed away. We did go with the county who was offering
8 this program up of full-time 35 hour a week office. That's
9 why we went with them.

10 MR. FONTAINE: Right. And we did actually reach
11 out and see if anybody was interested locally, and there
12 were no takers, because you do have to go visit homes and
13 mostly respond to a complaint between -- mostly between
14 neighbors. That's the biggest issue that we see come to us
15 is a complaint where two -- or a business wants to come in
16 and neighbors are concerned. Those are most of the issues
17 that we see.

18 MR. KIRSCH: So let me just add to the HOA part.
19 So part of this is, right, is if you're looking at it as if

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20 the restriction is on you. That is true, but it is also to
21 protect neighbor disputes. And that's what we see all the
22 time here. People come in, they have an issue with a
23 business, they have an issue.

24 It gives them a voice to come in, because you have
25 to get a special use permit to do any change separate to

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1 this. So the grass clippings, HOAs -- I don't like HOAs
2 either, but it keeps adjoining properties up to snuff and
3 protects your rights, your property value.

4 If you don't have anything, that's when it becomes
5 an issue. And, again, most of the stuff we see here are
6 disputes between neighbors or a business wants to come in
7 and doesn't follow one of our standard laws.

8 SUPERVISOR BECKER: Thank you. Nina?

9 MS. LEWIS: Nina Lewis. I, too, read what was put
10 out. I'm sorry.

11 SUPERVISOR BECKER: Address?

12 MS. LEWIS: 1355 Centerline Road. I just briefly
13 skimmed over it. And I'd agree with the HOA feel of it.
14 Which it's kind of hard for us because we inherited this
15 property. It's farming land, but a lot of it's overgrown.
16 And to read what you say to keep the grass cut to six
17 inches, I'm not going to cut 18 acres of field.

18 And then, also, some of the verbiage that's in
19 there is very subjective. Like, unsightly or noxious

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20 shrubbery. What is that? You know, we need to have some
21 clear definitions. Like he was saying, you know,
22 transparency. What exactly are you looking for?
23 Write out that 10 percent new stuff that you're
24 looking at, because when you say 90 percent of it is already
25 in law, I'm like, okay, all you really have to do is take

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1 the document that everybody is looking at and highlight

2 what's new and we can look at it. Oh, there it is. Okay.

3 Just because it makes it a lot easier. You

4 wouldn't have a whole bunch of people coming in like a bear

5 if we have a little clearer understanding of what's going on

6 before we get here. It would have been really great if we

7 had that information, the 90 percent.

8 But any ways, the verbiage is very subjective. I

9 felt like, oh, they're just looking over at us. Whoa, they

10 got noxious shrubs everywhere. I can't mow that. I'm not

11 going to mow that. That's our recreation area over there.

12 Again, the HOA.

13 The other thing I read, and I don't know if you

14 read this, that if your garbage can is out it can't be seen

15 by the public, it should be shielded. Is that something

16 that's -- that's in there.

17 MR. DIMATTEO: If it's a new commercial lot being

18 develop.

19 MS. LEWIS: For commercial lots.

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20 SUPERVISOR BECKER: Please. Please, people.

21 MS. LEWIS: I just wanted to clarify, was it for
22 everybody, residential, commercial. You're telling me it's
23 commercial.

24 MR. DIMATTEO: It's under our commercial lot
25 development. You got to screen your dumpsters.

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1 MS. LEWIS: And that makes sense, because I know
2 that that looks nicer. And my garbage can is right out by
3 my front door. Please let me leave it there. All right.
4 That's all I had to say. Thank you so much.

5 SUPERVISOR BECKER: Thank you. Something else that
6 I know was brought up to me, that some of you may have seen.
7 There -- if you go on to the town's website, not the website
8 that you were driven to elsewhere, the town website at the
9 very bottom there are -- everybody is listed, every tax
10 parcel.

11 MR. DIMATTEO: I believe so.

12 SUPERVISOR BECKER: We changed from agricultural
13 residential to low density. It's a better fit. Back in the
14 day there was how many farms from Jarvis Center to
15 Bennington. Now is there two working farms? So that's
16 changed. And instead of going with agricultural
17 residential, it's low density.

18 And one of the specifics I saw somebody brought up
19 to me, some of the properties were highlighted. That's

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20 because they have multiple choices of being either low
21 density or being commercial. A few years ago -- we went
22 back five years ago, we went and looked at some of our
23 zoning areas. We had three individuals that were looking to
24 do something different on their properties on Route 77.
25 Everything that we looked at was on Route 77.

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1 Believe it or not, federal highway Route 20A and
2 Route 77, when they created zoning in 1977 they went with
3 what was actually there at the time. We had Frank's
4 snowmobile shop. Guess what? That's commercial. The other
5 side we had a gas station and Byrncliff. That's commercial.
6 So north side of that intersection is two farms. That's
7 agricultural.

8 And until this point -- until that point, five
9 years ago, it could be nothing put agricultural. I think
10 that's horrible. At one point in time there were -- at
11 every single one of these intersections there was some sort
12 of businesses, hotels, cheese factories. All sorts of
13 things.

14 And because of the restrictiveness of that, they
15 couldn't do anything on several of these intersections. So
16 what the Town Board did and town planning board had
17 recommended -- I was overruled on my thought of it. We went
18 with the thousand foot by a thousand foot. That those are
19 capable of being commercial properties.

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20 So one of the places happens to be on Perry Road
21 and 77. My own brother came to me asking me about this.
22 Why is my property highlighted? Are you looking at mine?
23 Are you going after my shrubs? Are you going after this?
24 Are you going after that? I said, good question. Simple
25 answer was, it's possible being commercial. And that's why

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1 they're highlighted, correct?

2 MR. DIMATTEO: Multiple districts. The property
3 falls in multiple districts. The map isn't confined to the
4 parcels. The map is a planning map and you might fall in
5 two different parcels.

6 So that's why if you'll see different colors in the
7 back of the book for your SPL number, that's why it's set
8 forth like that, because there's multiple parcels. Multiple
9 designations of what the use of that property could be.

10 MR. RYDZA: How does that effect taxes?

11 MR. DIMATTEO: It doesn't.

12 SUPERVISOR BECKER: Your name again?

13 MR. RYDZA: Jeremy Rydza.

14 SUPERVISOR BECKER: So if it is being used as
15 residential, you're taxed as to what it's being used for.
16 Okay? If and at some point somebody does go and sell that
17 property -- and some of that's vacant here. Wouldn't it
18 just make your property worth more money, if somebody can
19 develop is commercially? You're still being taxed on it's

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20 at use.

21 A MEMBER OF THE AUDIENCE: Every time they do an
22 assessment, my assessment goes up and I didn't pay anymore
23 for my house.

24 SUPERVISOR BECKER: I'm sorry. Your name, please,
25 sir? Please come up here, sir. Okay.

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1 MR. SWAN: I'd like to address some of that stuff.

2 I can't keep 50 questions in my head, but if there's no
3 opportunity to raise your hand and take the risk of being
4 chosen.

5 SUPERVISOR BECKER: What's your name?

6 MR. SWAN: My name is Raymond Swan. S-W-A-N. 3620
7 Main Street. I hope we're not trying to make --

8 MR. DIMATTEO: Swan like the bird?

9 MR. SWAN: Yes. One N. Common spelling. I hope
10 we're not trying to make a perfect community here, because
11 it doesn't exist. All we do is handcuff people. And I
12 thought there was a thing with planning boards, because I
13 had one once when I had a cottage on Silver Lake. I had to
14 go to their planning board because I built a shed that was
15 too big. Instead of building -- I built it two foot too big
16 so I wouldn't have to throw away 150 bucks worth of plywood
17 that was scrap. So they understood that. And I wouldn't
18 call it a waiver. They gave me something that would amount
19 to a waiver.

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20 MR. ROBERTS: Variance.

21 MR. SWAN: You probably remember me. This is the
22 boy that wanted me to put screws in my shed, and the one
23 next to me and every other one on the shed did not have it.
24 That's neither here nor there.
25 I just don't think that we're addressing issues.

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1 And I think issues are better addressed with a letter. If
2 my house is trash, if I don't cut my property, the neighbor
3 complains to the county, the county sends me a letter saying
4 we've heard complaints. The next step is a hearing. Would
5 you like to take care of it?

6 Rather than have this gentleman violate my 4th
7 amendment rights by walking down my driveway and asking to
8 search my property for code violations. I'm not really keen
9 on all this stuff. But as someone has mentioned earlier,
10 we've given away plenty of freedoms in our lifetime since
11 we've been here. I moved to Strykersville knowing what it
12 was. What it was to me was it didn't have a huge Walmart
13 sign parked out in front of my house. That's what I was
14 looking for and I love it here.

15 Even the -- what some of you folks might call nasty
16 stuff, I drive down 78 and there's a house on my right, I
17 hope you're not offended by this whoever you are, that's got
18 a bunch of outbuildings out in front of the road with all
19 different roof lines.

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20 I'm a photographer. I love it. I love to stop and
21 photograph it. It's so interesting. But I hope we're not
22 going for cookie boxes, getting all rigid up and that. I
23 wish that we could use the waiver business more where you
24 see that it's appropriate.
25 And in my case, I could have filled trash cans with

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1 plywood, and the planning board -- was it Castile? It's
2 been a while. Those guys said, okay. And then some guy
3 said, fine, put screws in it so the wind don't blow it away.
4 I'm sorry. That's all I had to say, but that's the crux of
5 it.

6 SUPERVISOR BECKER: There is and has been for many
7 years, always, a zoning board of appeals. Can I use the one
8 on Schwab Road? It's public.

9 MR. DIMATTEO: Yep.

10 SUPERVISOR BECKER: All right. There was a
11 building -- a house, old school house. And I'm going to use
12 names. Ernie Blouse (phonetic) owned it. Okay. It was a
13 homestead.

14 Somewhere -- there was a 60-foot wide road frontage
15 went back. At some point in time somebody built a garage on
16 it. By the way, the sideline was a total ten feet off of
17 that building. Built a 25-foot wide garage. So 15-foot of
18 the garage was actually on the neighbor's property.

19 When Ben went to buy that, he couldn't. The bank

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20 wouldn't give him a loan because it wasn't on the same
21 property. There's a driveway that goes in, and Ernie
22 himself went past that. Ernie wouldn't sell into the field.
23 Ernie wouldn't sell to the side of the field. So we sat in
24 front of the zoning board of appeals. Thankfully, Mr.
25 DiMatteo was hear and said this to our zoning of appeals

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1 board. We went from 60 feet to 170 feet, not the 200 that
2 is regulated. Will you grant them a waiver on that? Board
3 said, yeah.

4 Next one was we went from having a property line
5 that cut through the garage to 15-foot on the outside of it.
6 Our zoning law says 25-foot. Well, the fact that it's not
7 going through the garage, that's one hell of an improvement,
8 correct? We will grant the 15-foot instead of the 25-foot.
9 He didn't have a full two acres, but all of his well and his
10 septic was now on his property where before it wasn't.

11 So, again, whatever we have here, there is another
12 process to go through that you can go ahead and update this
13 and have another board look at that.

14 SUPERVISOR BECKER: Mr. Mills.

15 MR. MILLS: Dennis Mills, 1907 Route 20A,
16 Varysburg, New York. I am currently in a housing violation
17 court with Mr. DiMatteo and Mr. Roberts. Okay. Mr. Roberts
18 has stated earlier they were going to allow five trailers on
19 a property. He didn't stay registered or unregistered.

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20 The last time I went to court Judge Kibler told me
21 they're taking everything off my property, whether it's
22 registered or not. So what they're doing here, folks, just
23 so you know, be clear, number one, it's a violation of your
24 constitutional right. You do have the right to own what you
25 own and you have the right to up keep it. And they do not

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1 have the right to do anything other.

2 Mr. DiMatteo told me before court one day you burn
3 your constitutional rights. We're going to see where it
4 gets you. Mr. Roberts turned around and told me we don't
5 care. We're lying about it. I have a 15 year anniversary
6 Trans Am. One of 1,500 built. Which, I think, is item
7 number 17 in the documents that I'm going to court over
8 right now.

9 Roberts told me it's a great car and he hated to
10 have to lie about it. Swear it on my children's lives.
11 What they're doing, they're saying one thing now and they're
12 saying another thing later and you guys don't realize it.

13 Beauty is in the eye of the beholder. This
14 gentleman said it right here. He sees all these different
15 roof lines and he likes it. He's a photographer. So who's
16 to say -- who's to say what? I mean, I told them that --
17 the last time I was in court I said I'm going to register
18 and insure every trailer that I have. You're not going to
19 take them off my property.

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20 Judge Kibler said, oh, yes, we are. It's in
21 transcript. They said something about complaints about next
22 door neighbors. My next door neighbor complained to me four
23 times in the same day on the same documents. And one of
24 them was about a dog. Okay. And that's how they got me in
25 2018.

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1 Alisha Cutcliffe, who was working under Donald
2 Roberts at the time, told me to just put the stuff out back,
3 Mr. Mills, you'll be fine. The situation was resolved in
4 2018, 2019. In 2000 whatever this is now -- I think '20 or
5 '21 is when it started, you're in violation again. They say
6 one thing today and then they turn around and say something
7 tomorrow.

8 If we don't get it in writing, we're screwed.
9 That's the way it is. I don't think -- I live right at the
10 corner of French and 20A. If any of you folks want to come
11 and talk to me, please stop by. But what they're doing here
12 is dead nuts wrong.

13 You have the right to control your property and
14 they're controlling it for you. The State of New York is
15 doing it too, but the State of New York is not right any
16 way. There's 48 pages of the United States Constitution.
17 The constitution does state you have the right to own your
18 property, you have the right to control your property, you
19 also have the right to make money off of your property.

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20 But yet, for some reason, things ain't right.

21 Mr. Roberts and Mr. DiMatteo were handed a special use

22 permit application in the court of law in Wyoming County

23 Court --

24 SUPERVISOR BECKER: Mr. Mills, you've gone past

25 your time. Thank you, sir.

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1 MR. MILLS: Stop by and see me, folks. That's what
2 they do to you.

3 SUPERVISOR BECKER: Your name?

4 MR. JORGENSEN: My name is Thomas Jorgenson. I
5 live on Factory Road. I do want to say I thought it was
6 extremely rude. Both of guys looked like you were ignoring
7 that gentleman talk.

8 Good evening board members. I want to start off by
9 saying thank you for your time, dedication to our town. I
10 know you do a job most of us would not want to do. It
11 doesn't go unappreciated.

12 My name is Thomas Jorgenson. I've lived in this
13 town my entire life. I'm extremely proud to be from here.
14 I made my first communion here. I became an Eagle Scout
15 here. I joined the Marines. When I left for the Marines I
16 took my HAZMAT test in our region. Now I try to give back
17 as much as I can. I'm a volunteer firefighter and EMT. I
18 work at the Buffalo Airport as an air traffic controller.

19 I am the only person at my work that's from Wyoming

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20 County. I brag to everyone that I work with because I'm
21 from this town. And it's hard to explain to them how free
22 we have it. They don't understand.

23 I tell them my county is the last free county in
24 New York State. Wyoming County is also the most republican
25 county in the State of New York. With that -- with that,

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1 most republicans want to be left alone, not have
2 restrictions imposed upon them.

3 Today, you're proposing 146 pages of new zoning
4 laws to pass and force on the people of this town. Where's
5 the freedom in that? You want to impose 60 new restrictions
6 for us to live by, from how long our grass can be to how
7 often we have to clean our gutters or paint our houses. You
8 want to keep all vacant buildings continuously guarded or
9 otherwise kept secured against unauthorized entry. Why do
10 we have to secure our property from someone that does not
11 have our permission to be on our property?

12 When you say materials, methods in which such
13 buildings are sealed must meet the approval of the
14 enforcement officer as to color, design and building
15 material, what does your opinion matter to what I do with my
16 property? Why do you want -- you only want one unregistered
17 vehicle on our property.

18 If that's not enough, you want to control where we
19 park that vehicle, that it has a tarp over it and that it

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20 must be inspected. The New York State Safety Vehicle
21 Inspection Program says to make sure every registered
22 vehicle. Yes, registered in the State of New York, meets
23 minimum standards for safe operations on public streets or
24 highways.
25 If my vehicle is not being registered for use on a

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1 public street or highway, then why is it required to get a
2 safety inspection? An example would be a plow truck. An
3 example would be a plow truck used on my property. Why
4 should I have to give the state money every year to have
5 ability to plow my driveway?

6 I do not agree with how everyone lives their life
7 or takes care of their property, but that's none of my
8 business and it's none of yours as well. If you don't like
9 what you see, look the other way. Or better yet, go ask
10 your neighbor if they need some help cleaning up. Teach
11 people to learn to be a good neighbor rather than making
12 more laws they can use to get their neighbors in trouble.

13 Now, I've heard people say that these zoning rules
14 would not be enforced, so what does it matter? And that may
15 be the case with this zoning officer, but the next one is
16 not going to see it the same way. Can we stop trying to
17 pass laws on people to dictate how they live their lives.

18 We're not East Aurora. We do not want to live in a
19 town like East Aurora. The board members that I know have

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20 lived here their entire life. You got to enjoy this town
21 without these laws forced on you. Please allow the next
22 generation to still enjoy the freedom of growing up in a
23 small town and not drowning its citizens in rules and
24 regulations.
25 The second paragraph of the Declaration of

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1 Independence says, we hold these truths to be self-evident,
2 all men are created equal, that they are endowed by their
3 Creator with certain unalienable Rights, that among these
4 Life, Liberty and pursuit of Happiness.

5 Liberty is defined as the state of being free
6 within society from a oppressive restriction imposed by
7 authority on ones way of life, behavior and political views.
8 Please do not impose these obsessive -- these oppressive
9 restrictions on our lives.

10 I thank you for your time and I ask you to vote no
11 for this bill.

12 SUPERVISOR BECKER: Would anyone else like to
13 speak? Yes, sir.

14 MR. KREMPA: My name is Ken Krempa. I live on
15 Maxon Road, 2121. And I know about the zoning board of
16 appeals because I was on it for several years in this town.
17 Some of you might remember, most don't, but I was here.

18 And I looked at this postcard from wherever, and
19 there's one little section there about -- it says farmers,

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20 and I'm not a farmer. I do have property. Be careful
21 because this is going to happen about dead vegetation on
22 your land is supposed to be taken care of, dead trees.
23 Dead trees? You know how many dead trees I got on
24 my land from the ash borer? Which the State of New York has
25 done nothing about, and we keep losing wood. I'm 78 years

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1 old. You want me to go out there to freaking chainsaw,
2 excuse me, and start cutting all these trees and hauling
3 them? I can't do it. And I can't afford to have a tree
4 company to come in and do it for me. But yet, that's part
5 of the deal.

6 MR. DIMATTEO: Did you -- I mean, I know you got
7 the postcard. Did you try to check the law for that?

8 MR. KREMPA: No, I didn't. I'm not a lawyer.

9 MR. DIMATTEO: I understand, but --

10 MR. KREMPA: That's your job. You're a lawyer.

11 MR. DIMATTEO: I read it and then I went to the
12 law. I don't see that restriction in there. I don't know
13 why whoever sent this postcard would cite something --

14 MR. KREMPA: But if that postcard wasn't sent out,
15 you wouldn't see any of these people here.

16 MR. DIMATTEO: 902(a). It's not there.

17 MR. KREMPA: Any ways, why can't you leave people
18 alone? I mean, the town is not destroying itself. I think
19 it's doing pretty decent without government getting into

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20 everything we do. Thank you.

21 SUPERVISOR BECKER: How are you?

22 MR. GEORGE: If I was doing any better I would be

23 you. Patrick George, 1855 Perry Road. One thing was, I

24 don't know who sent the red card out. I got to say thank

25 you, because at least it got word out that we were having

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1 this meeting. I mean, I wouldn't have known.

2 And I understand it's in the papers. Well, you
3 know, unless you get them online, a lot aren't getting it.
4 But I would like to suggest highly, we have the Warsaw radio
5 station who has events coming up. And a lot of people,
6 especially old people like me, listen to it. And if that
7 can go on two or three weeks in the community corner at no
8 charge, then people would know.

9 A MEMBER OF THE AUDIENCE: How about an e-mail
10 database?

11 SUPERVISOR BECKER: Please, please. Okay.
12 Anything else?

13 MR. GEORGE: Yes. And I do feel sorry for the
14 person about the squatting. It's too bad the town doesn't
15 stand behind the law, maybe the lawyer. We have pay taxes,
16 we have the deed, we have the survey and we've been fighting
17 for seven years. Seven years for three acres of land. And
18 we're going against a multimillion dollar business.

19 But I would hope once in a while the town would

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20 stand up for somebody like that, because it's hard to --

21 it's hard to fight multimillion dollar businesses. Thank

22 you.

23 SUPERVISOR BECKER: Please, your name. Your name.

24 MS. DARLING: Renee Darling, 3568 Route 78,

25 Strykersville. Okay. I'm a little nervous. I'm not real

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1 familiar with all of this. I've been a farmer for 30 years
2 and minding my own business. Okay. That's the end of that.

3 So my question is, do you guys vote this all in and
4 we don't have a say? Or do we have a say?

5 MR. DIMATTEO: You got a say tonight.

6 MS. DARLING: This is our say tonight? So then you
7 guys --

8 MR. DIMATTEO: I don't vote.

9 MS. DARLING: Okay. So you guys vote it in or out,
10 right?

11 SUPERVISOR BECKER: Five of us.

12 MR. KIRSCH: We collect the information and
13 determine whether we're going to have a second hearing, but
14 the goal is to get feedback.

15 MS. DARLING: So can I ask you what your feedback
16 that you've heard tonight is? What your decisions are
17 leaning towards?

18 MR. KIRSCH: My main take away is everyone wants a
19 summary. And I'm sure we can do a quick Word document.

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20 We'll relay the two.

21 MS. DARLING: I think everybody is afraid of losing
22 their freedom.

23 MR. KIRSCH: And give everybody the chance. That's
24 a fair point.

25 MS. DARLING: Because I've never been to a board

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1 meeting like this.

2 MR. KIRSCH: You can come any time.

3 MS. DARLING: I know, but when we were farming
4 there was not any time. And there was stuff passed that we
5 didn't know about. Do you see what I mean? And you're
6 right, if that card didn't come to us, you know, I wouldn't
7 have known anything.

8 SUPERVISOR BECKER: You're right at the end of the
9 town line?

10 MS. DARLING: Yeah. We're not farming anymore. I
11 mean, my son, he's farming the land, but we sold the cows.
12 Farming, it was just a struggle for 30 some years.

13 MR. KIRSCH: And your second point was the HOA
14 issue, right?

15 MS. DARLING: Pardon me?

16 MR. KIRSCH: Your second point or take away was
17 having requirements to upkeep your property.

18 MS. DARLING: Yes. Well, like, I won't say the
19 neighbor, but there is a neighbor that I had to listen to

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20 for 30 years. Airplanes landing over my house. Landing.

21 And so I asked. I said, does he have to have a permit? No.

22 He could have as many airplanes as he wanted. And the guy

23 that was teaching these people landing the planes there

24 crashed and died.

25 So, you know, I used to -- the cows would jump.

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1 You know, there was one time, I swear to you, it was, like,
2 30 feet above my house and the barns. But that has nothing
3 to do with this. I'm just saying, I didn't go to the
4 meetings. You know what I'm saying? And so I think what it
5 is is these people are afraid of losing their freedom.

6 MR. KIRSCH: Understood.

7 MS. DARLING: And the last four years, I'm not
8 going to say who's bad and who's good of a president, but
9 it's been a last hard four years. I mean, the prices of
10 everything has just tripled. So I think we're all feeling,
11 like, uneasy about this.

12 You know, and now we feel like you're, you know,
13 kind of, like, taking over some of our freedom again. Like,
14 we didn't have a say in how much gasoline was, how much
15 groceries were. I mean, it was just thrown on us and that
16 was it. You went to the store and that was it. You went to
17 the gas pumps and that was it. It feels like we're losing.

18 SUPERVISOR BECKER: Thank you.

19 MR. DIMATTEO: Thank you.

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20 MS. DARLING: We're losing. So I just wanted to

21 know if you guys make the decisions in the end.

22 MR. KIRSCH: We do vote.

23 MS. DARLING: You guys make the decisions.

24 SUPERVISOR BECKER: There's four of us currently

25 here that are your representatives we are elected. This is

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1 a representative republic as we're elected. Yes, there's
2 four of us.

3 MS. DARLING: So we could have the freedom, if we
4 wanted to, to write to you guys and tell you yes or no.

5 SUPERVISOR BECKER: One of the gentleman that is on
6 the Town Board is currently in Florida.

7 MS. DARLING: Okay.

8 SUPERVISOR BECKER: Does anybody have something
9 new? We don't want to limit people, but we do have the rest
10 of our meeting to go into.

11 MR. MILLS: I just want to say something. I think
12 this should all be a vote. This should not be something for
13 the planning board. It should be voted by the people, for
14 the people in regards to the people.

15 MR. JORGENSEN: When do you guys vote on this?

16 MR. DIMATTEO: Can I respond to that? So my
17 thought would be -- again, I thank you for your written
18 comment. If anybody has heard things here tonight and it's
19 inspired you to go home and write something down and you

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20 want to send us an e-mail, I think we would -- or a letter
21 or if you want to actually put it on paper and sign it, we
22 would receive that. We probably keep it up for another 21
23 days, you know, to receive that paper comment.
24 Again, you've heard things tonight. I know more
25 than one of you got up and said you had 50 things to say and

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1 you heard other people and you wish you were more prepared.

2 You got time. We'll give you 21 days, keep the meeting
3 open, get us that information.

4 At that point probably what we'll do is we'll get
5 together, put all these comments in one place and then
6 understand, you know, what the comments are. I think, you
7 know, it sounds like we were somewhat moved by the idea of
8 putting a summary of the changes. That's -- I will tell you
9 we'll do that, but it's not an official document. The
10 official document is this.

11 The courts don't like it when you do abbreviated
12 documents. That's just a postcard, like this one here.
13 It's going to say stuff. You need -- again, if you see
14 something in there that you want to talk about, make sure
15 you pull it, read it, get it out of here, because this is
16 what's applicable.

17 When you do a summary, you're missing things. I
18 don't want to steer you the wrong way. It's here. And,
19 again, just so --

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20 MR. MILLS: You can amend that.

21 MR. DIMATTEO: Mr. Mills.

22 MR. MILLS: I know the law.

23 MR. DIMATTEO: Mr. Mills, this is the existing law.

24 They're not significantly different if you look at them.

25 MR. JORGENSEN: No, I have. I don't think there's

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1 anything in the existing law about property maintenance, but
2 now we have a whole section on it.

3 MR. DIMATTEO: There isn't, but it doesn't matter
4 because there's the state property maintenance law.

5 MR. JORGENSEN: With that being said, sir, now by
6 putting it in our county ordinance, now the county can
7 enforce that.

8 MR. DIMATTEO: They can enforce the state law too.
9 But by having it in the town law --

10 MR. JORGENSEN: It's easier to enforce.

11 MR. DIMATTEO: It's not as rigorous as what they
12 got at the state level, just as you know.

13 MR. JORGENSEN: My point being is that if we have
14 survived 200 years without property maintenance laws in our
15 local county ordinance, why are we changing that now?

16 MR. DIMATTEO: Just so you know, we haven't had it
17 for 200 because it was the 70s when we got it.

18 SUPERVISOR BECKER: By the way, the card that
19 people received gave out phone numbers. We did not do it.

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- 20 Three of the four -- three of the five phone numbers are
- 21 wrong. My phone number was off by one digit. Okay?
- 22 If anyone -- most everybody here knows who I am.
- 23 Please call me. It's off by one digit. I am (716)560-0456.
- 24 I'm a very busy person. I am driving school bus some days.
- 25 I am under vehicles. I am what have you. Leave me a

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1 message, we can talk. Okay?

2 A MEMBER OF THE AUDIENCE: Why don't you ask if
3 anybody here is for this law, then you'll know if you can
4 vote on it tonight.

5 SUPERVISOR BECKER: We're not voting on this
6 tonight. We're digesting what's going on.

7 MR. SWAN: But it would tell you guys a lot if you
8 knew that there's -- only half of us are speaking and the
9 other half aren't. If there's anybody for it --

10 SUPERVISOR BECKER: Mr. Swan, that's not the way it
11 works. Yes, sir, your name, please.

12 MR. PEDRO: Jeremiah Pedro, 1434 Perry Road. So I
13 wasn't going to speak until I heard something up here about
14 the addition to the -- the HOA additions don't matter
15 because it's not going to be enforced because of, you know,
16 picking your battles type of thing.

17 But the gentleman over here is absolutely right.
18 Putting it in there now gives the county the ability to
19 enforce that. And then you're saying, oh, they could

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20 enforce it through the state law any ways because the state
21 law is more restrictive than the town law.

22 Dave DiMatteo, tell me what the supremacy clause is
23 for the -- coming from the town to the state and so on and
24 so forth. What takes precedence? The state law, right?

25 MR. DIMATTEO: It doesn't have to. Again, and who

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1 said it best. There was some gentleman here that said -- I
2 think Mr. Peresan said it. The rules need to be local
3 government should control.

4 MR. PEDRO: It should.

5 MR. DIMATTEO: And, again, by adopting good local
6 rules, you have --

7 MR. PEDRO: If it's at the behest of the state,
8 screw them. We don't have -- we don't have to -- we don't
9 have to put into code their recommendation for essentially
10 cosmetic features of your property. For a large part, it's
11 all cosmetic stuff. So don't put that in there.

12 I don't need somebody to tell me that my grass is
13 too long or that I got a dead tree on my property that I got
14 to remove it because it's visible from the road. It's
15 nature. Trees are going to fall over.

16 And when you look at the hack jobs they do, that
17 the county and the towns do when they go along with the
18 brush cutter and just weed whack the whole side of the road
19 and leave it in the ditch, all those trees are going to be

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20 dead within five years. Every single one of those trees

21 will be dead within five years the way they cut them.

22 That's horrible.

23 So, yes, putting this stuff into the code will have

24 negative effects on all the residents. And, also, the

25 inclusion of the and the omission of wordage and verbiage is

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1 very important. You'll note in the existing law under the
2 intent -- the second point -- pardon me.

3 MR. DIMATTEO: Now you're talking the 2009 law?

4 MR. PEDRO: No, no. The update. Yeah, 2009. So
5 under the intent, point B, to protect farming and the
6 farming related land uses and economic activities, that's
7 omitted from the new proposal. There's only -- there's 11
8 points in the previous -- in the current law. There's four
9 in the new one. All it talks about in the new one is about
10 protecting the rural community for development for the rural
11 fill of the community.

12 That sounds more to me like farming is taking a
13 back seat now. And that's the intent is for farming to take
14 a back seat. I would rather have manure trucks driving up
15 and down my road, stinking up the place than having the
16 development that's going on in East Aurora and South Wales.
17 All the little McMansions popping up on every small tract of
18 land that someone can sell off.

19 I'd much rather have the Reisdorf feed trucks

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20 coming by when their engine breaks for no reason from two
21 miles away. It's annoying as hell. But you know what? I'd
22 rather have that than somebody complaining about the length
23 of my grass or that I have a bush out of place. So that's
24 all I have.

25 SUPERVISOR BECKER: Thank you.

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1 MR. DIMATTEO: Thank you.

2 SUPERVISOR BECKER: Go ahead.

3 MR. GEORGE: I was just -- this is the red card.

4 Which, again, we don't know what to believe. But, you
5 know, I didn't know what this was about either. I don't
6 have that smart phone like that smart guy.

7 But any ways, the one thing on there was about
8 changing a law to be able to put in 600-foot turbines. Now,
9 is that just the red card or is that coming from these
10 people?

11 SUPERVISOR BECKER: That's a red card.

12 MR. GEORGE: Okay. Thank you.

13 SUPERVISOR BECKER: I'll address that a little bit
14 more at this point.

15 MR. GEORGE: Okay. Thank you.

16 SUPERVISOR BECKER: In our agenda for later this
17 evening, I started this one on -- in November. We have an
18 attorney for wind contract negotiations. We are close to
19 the end of the original community host agreement. Okay? As

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20 my predecessor John Knapp had said, we should be able to get
21 more per turbine after the first 20 years. So we are trying
22 to hire somebody to negotiate this.

23 As far as 600-foot wind turbines, Invenergy has not
24 contacted the Town of Sheldon in any form whatsoever of any
25 additional wind turbines, of replacing the current wind

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1 turbines, nothing. And that rumor is no.

2 Some of you may have noticed over the summer they
3 had this really cool crane that lifted a tool up and mounted
4 it on top of the current wind turbines, used that to lower
5 down the blades, and then they raised up and changed out, I
6 don't know how many, center hubs.

7 To me, if they put that kind of money into it just
8 this summer at year 17 of this contract, I really don't
9 think they're going to change things any time soon. They
10 are -- and, again, there's been no indication to us
11 whatsoever.

12 In Perry, in Alley Cat Program -- by the way,
13 Allegany County, Cattaraugus County, the name of the wind
14 mill project is Alley Cat. I kind of think that's cute.
15 Some of it is entering into Arcade, and they do have
16 600-foot wind turbines.

17 MR. DIMATTEO: 660.

18 SUPERVISOR BECKER: 660. Okay. Thank you.

19 There's nothing going on here. This is a scare tactic that

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20 came from the person that wrote the letter.

21 MS. SKOCZYLAS: I have a question. How come I was
22 approached by a wind company on my property to put
23 electrical lines in?

24 SUPERVISOR BECKER: When was this?

25 MS. SKOCZYLAS: For the new wind mills.

**REGULAR MEETING
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1 SUPERVISOR BECKER: When was this?

2 MS. SKOCZYLAS: This was about three months ago. I
3 have the paperwork at home.

4 MR. DIMATTEO: Is that project in the Town of
5 Bennington?

6 MS. SKOCZYLAS: I live in Sheldon. I live in
7 Varysburg on Thomas Road.

8 MR. DIMATTEO: But is the wind project in the Town
9 of Sheldon?

10 MS. SKOCZYLAS: That's what the company is stating,
11 that they're coming in and putting new wind mills in. They
12 want to run electrical lines through our property.

13 SUPERVISOR BECKER: Again, your name and address?

14 MS. SKOCZYLAS: Shannon Skoczylas, 1878 Thomas
15 Road.

16 MS. ENNIS: They also came to my house too. 1942
17 Thomas Road. Same company.

18 SUPERVISOR BECKER: And what was your name?

19 MS. ENNIS: Nicole Ennis.

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20 SUPERVISOR BECKER: Please bring that to us. I
21 have no knowledge. Is there anything else dealing with the
22 turbine or with the zoning law that's proposed?

23 MR. PINGREY: Dan Pingrey. You referenced changing
24 the classification from residential ag to, what do you call
25 it, low density on some parcels. You mentioned that's going

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1 to change the property values. So, I guess, you're
2 referencing the commercial ones. So has the assessment
3 portion of that been looked at at all?

4 SUPERVISOR BECKER: We do not control the assessor.
5 By law we only appoint an assessor for six years, and that
6 is intended by New York State. And correct me if I'm wrong
7 on anything here, please, counselor.

8 That is intended by New York State that I cannot go
9 and say I am against that person over there. You, the
10 assessor, you go and raise this up. Or this is my mother,
11 this is my friend. We do not have that ability to do, and I
12 do not cross that line or come anywhere close to that line.
13 Did I say anything incorrect on that?

14 MR. DIMATTEO: No.

15 SUPERVISOR BECKER: Yes, sir.

16 A MEMBER OF THE AUDIENCE: Where's the town board
17 on solar.

18 SUPERVISOR BECKER: We have a solar law that's
19 already in place.

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20 A MEMBER OF THE AUDIENCE: What is it?

21 SUPERVISOR BECKER: When was that produced? Do you

22 remember, Don?

23 MR. DIMATTEO: I'll bet you it was probably --

24 SUPERVISOR BECKER: When was the solar law --

25 MR. DIMATTEO: 2020 it was adopted.

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1 SUPERVISOR BECKER: We have an adopted solar law.
2 At one point prior to COVID we did have a company that was
3 proposing a project on North Sheldon Road, Burroughs Road
4 West. COVID happened. I haven't heard a word from them
5 since.

6 A MEMBER OF THE AUDIENCE: Basically what our price
7 would be to sell our 20 acres to them, and absolutely not.
8 I am totally against solar out here.

9 SUPERVISOR BECKER: Haven't heard anything from
10 them. Is there anything else dealing with our current --
11 yes, Tom.

12 MR. JORGENSEN: My question is just the procedures
13 going forward. You're going to keep this open for 21 days?

14 MR. DIMATTEO: For written comments. Then we'll
15 get all the comments. We'll probably put them, like, in a
16 spreadsheet. That's what I've been --

17 MR. JORGENSEN: No, I get that. My point is, so
18 once you're done with that process --

19 MR. DIMATTEO: We'll probably meet on this again to

**REGULAR MEETING
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20 determine whether there needs to be --

21 MR. JORGENSEN: Like a public meeting?

22 MR. DIMATTEO: All of our meeting are open

23 meetings. You're always welcome to come. We'll probably

24 work through what we heard tonight, try to determine whether

25 we need to make wholesale revisions or slight revisions to

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1 what we're doing.

2 I would assume they're probably -- again, we're
3 hearing a lot tonight. We're going to collect that, we're
4 going to figure out where we are. I mean, you're going to
5 see these people in and about. Talk to them. Tell them.
6 They need to get more input. Input is important.

7 And then we'll sit down and we'll come up -- if we
8 decide that we're going to move forward with this and it's
9 going to be wholesale revisions, there will be another
10 public hearing. If we're going to adopt it as is with minor
11 stuff, there won't be another public hearing. But we'll
12 probably know. I wouldn't think -- probably our February,
13 March meeting we'll have a better idea where we are. Again,
14 we've been working on this since 2017.

15 A MEMBER OF THE AUDIENCE: Where does the written
16 paper go to? You said to send you something in writing.

17 MR. DIMATTEO: You can send it to either the Town
18 of Sheldon town clerk or you can send it to any board
19 member.

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20 MR. NIXON: I would just like to say -- my name is
21 Jeff Nixon. Again, I've been on this planning board -- I
22 started, I think, just before we started going over this.
23 And I've lived here in the area most of my life, and all of
24 our -- our members, we all live here or have businesses
25 here. And we take pride in our town also.

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1 And, you know, I'm glad everybody -- I'm glad so
2 many people came. There's a lot of smart people here with a
3 lot of passion for their town. And, you know, to come here
4 and have this many people is awesome. But, like, we should
5 have more people in our monthly meetings. And, you know,
6 this would help us. Like, maybe we could have got it done
7 sooner. I don't know. Our meetings are the second
8 Wednesday of every month at 6:00.

9 A MEMBER OF THE AUDIENCE: I'd like to say
10 something. Since we got informed in an opposite way other
11 than you guys sending us a letter in the mail informing the
12 residents. Again, I didn't see anything from the Town of
13 Sheldon even telling us this is happening.

14 So partly you guys aren't informing the residents
15 of this town, somebody else is. So, again, until I get a
16 letter in the mail to read it and sit down as I'm eating my
17 lunch, I don't know anything. I've seen tactics like this
18 from my milk company, you know, fooling, deceiving. I've
19 been there. I see it.

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20 And, again, unless we're aware of it, you would see
21 more people here, because this effects us all. And more
22 rules and regulations get put on us, put us out of business,
23 put other people out of business, and it just keeps all
24 coming down on us.

25 MR. NIXON: Like I said, every month second

**REGULAR MEETING
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1 Wednesday. Second Wednesday. Everybody is busy.

2 A MEMBER OF THE AUDIENCE: I'm a farmer. I get
3 busy. I can barely look through the mail as it is.

4 SUPERVISOR BECKER: Please, please. This can be
5 the last comment. We have a full agenda here.

6 MR. SWAN: I understand. One simple comment to
7 make. I'm a retired television news photographer, and I
8 have seen no less than 20 or 30 times when boards, just like
9 this, who are common council meetings or whatever say
10 there's no interest in it because nobody comes.

11 What they don't understand is we went to a ballot
12 box and put them in that desk to do our business, so that we
13 don't have to come here every night. So I hope that -- and
14 I'm not taking a shot at you, sir.

15 MR. NIXON: No. I'm not voting. I'm not voting.

16 MR. SWAN: But the point is you were put there by
17 citizens to look after our business in the best way you can.
18 And when you allowed us to speak as we did tonight, we told
19 you how we felt.

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- 20 SUPERVISOR BECKER: We have to get on with further
21 business. Somebody make a motion to close.
22 MR. KIRSCH: So moved.
23 MR. MEYER: Seconded.
24 SUPERVISOR BECKER: Motion made by Vince Kirsch.
25 Motion seconded by Joe Meyer. All in favor?

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1 MR. FONTAINE: Aye.

2 MR. KIRSCH: Aye.

3 MR. MEYER: Aye.

4 (Proceedings concluded at 8:40 p.m.)

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**REGULAR MEETING
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STATE OF NEW YORK)

SS:

COUNTY OF ERIE)

I, CARLY J. GARRETSON, a Notary Public in and for the State of New York, County of Erie, DO HEREBY CERTIFY that the Proceedings were taken down by me in a verbatim manner by means of Machine Shorthand, on January 15, 2025. That the proceedings were then reduced in writing under my direction. That the proceedings were taken to be used in the above-entitled action. That the said deponent, before examination, was duly sworn by me to testify to the truth, the whole truth and nothing but the truth, relative to said action.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the testimony.

Carly J. Garretson,
Notary Public

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A motion was made by Vince Kirsch and seconded by Joe Meyer to close the public hearing for the proposed new zoning law at 8:40 pm.

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

Minutes

A motion was made by Jim Fontaine and seconded by Joe Meyer that the minutes from the December 18, 2024 regular meeting be approved.

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

Communications

The Town Clerk, Carol Zittel, was absent from tonight's meeting. Deputy Town Clerk Kate Bulera took tonight's minutes.

Reports

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

Highway Superintendent Report

Superintendent Metz reported on the following:

New Truck

The new truck the town ordered to replace the 2012 truck is still sitting. We signed the paperwork in Jan of 2023 for it. Superintendent Metz is working on getting some movement on it.

Fleet Maintenance

Superintendent Metz has them coming out to discuss a replacement truck for the 2015 one. The NYS Governor has given a variance for two more years until electric trucks need to be looked into and purchased.

Salt

Jim Fontaine wanted to know if Superintendent Metz felt we had enough salt or what a rough idea of salt left in our barn was. Superintendent Metz feels that at this time we are okay on salt and should be for a while.

Supervisor Report

Supervisor Brian Becker reported on the following:

New CEO – Wyoming County Community Hospital

Jeff Perry has been hired as the new CEO of Wyoming County Community Hospital.

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Interests Rates

Supervisor Becker and Town Accountant Katie Chumra are working on NYCLASS for better interest rates.

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:

Attorney – Wind Contract Negotiations

Tabled until next month. Supervisor Becker is working on getting the agreement going.

Varysburg Water

Supervisor Becker has a meeting tomorrow morning (1/16). They are working on the design for the replacement of about one mile length of piping. This piping has not been replaced in decades. Supervisor Becker explained the whole project and what it has entailed thus far. Councilman Meyer and Kirsch also explained the grant we received to all the public present.

Fiscal Advisors – Varysburg Water Project Funding

Letters were sent to the list of three fiscal advisors as listed in November's minutes. Proposals were received from all three. Supervisor Becker to set up interviews for the Advisors.

Mills Zoning Violation

The Mills court case in Wyoming County was held December 17th. Supervisor Becker attended. The Judge gave authorization to obtain quotes for cleaning up Mr. Mills' property. Quotes need to be provided to the Court and then the Judge will give authorization to permit County Zoning officials to go on Mr. Mills' property and commence clean up. The town is working on getting quotes for the clean up.

Schoolhouse Museum

Nothing new to report.

New Copier Machine

Tabled until next month.

New Business:

Attorney Agreement

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A motion was made by Vince Kirsch and seconded by Jim Fontaine to have Supervisor Becker sign the attorney agreement.

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

Organizational Meeting

Town Officials Salaries

A motion was made by Jim Fontaine and seconded by Vince Kirsch to set the salaries for Town Officials both elected and appointed as stated in the 2025 Budget as adopted:

Town Board -----\$3,159.00 each
Supervisor -----\$8,825.00
Town Clerk -----\$22,383.00 (plus \$20/mt phone reimbursement)
Supt. Of Highways ----- \$69,700.00 plus \$1300 per year max copay reimbursement
and max \$200 per year clothing & boot allowance & \$20/mt cell phone reimbursement
Justices (2) ----- \$12,038.50 each
Tax Collector -----\$3,009.00
Carol Zittel as Registrar of Vital Statistics \$375
Carol Zittel as Marriage Officer (no salary)
Carol Zittel as Records Management Officer (no salary)
Donna Almeter as Deputy Town Clerk & Deputy Registrar \$15.50/hr
Kate Bulera as Second Deputy Town Clerk \$15.50/hr
Katie Chmura as Bookkeeper \$25,504.00
Jeanne Mest as Town Historian \$1,250.00
Donna Almeter as Court Clerk \$27,012.00
Mary Kern as Town Assessor \$22,433.00
Wyoming County as Zoning Officer
Carol Zittel as Water Rents Receiver \$1,200
Brian Becke as Certified Water Operator \$2,745 Water District Exceptional Duties
\$15.50 per hour
Part-time Laborer (wing person) NYS minimum wage \$15.50
Per diem Rate for John Herrmann - \$27.55 per hour – no fringe, no boots
reimbursement, no benefits and overtime only paid for hours exceeding 40 hours/week
Joyce Griffen as cleaner \$15.50
Vacant as Youth Director \$1,425.00
Kate Bulera as Secretary to Planning Board, Zoning Board of Appeals & Board of
Assessment Review at \$15.50 per hour
All the aforementioned terms of office for appointed positions, will carry over to the
Organizational Meeting, if said meeting is held after December 31st of the year in which the term
expires.

The per diem salary for the Planning Board is \$30, Zoning Board of Appeals is \$25 and
for the Board of Assessment Review the per diem is \$60.

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The phone reimbursement for the highwaymen is \$10/month

The 2025 annual salary for cemetery maintenance is \$250.

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

Training for 2025

A motion was made by Vince Kirsch and seconded by Joe Meyer to authorize all appointed and elected officials to attend, at town expense, applicable training in 2025.

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

Deputy Supervisor and Deputy Highway Superintendent

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint:

Joe Meyer as Deputy Supervisor and Wally Bohlen as Deputy Highway Superintendent
(effective January 1, 2025)

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

Town Banking

A motion was made by Vince Kirsch and seconded by Joe Meyer to name as depository bank, the Five Star Bank, Bank of Castile, Steuben Trust and NYCLASS (plus one more possibly) for General, Highway, Trust & Agency Varysburg Water District, Capital Fund, Unemployment Insurance Reserve Fund and Lighting Districts.

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

Rate of Mileage

A motion was made by Vince Kirsch and seconded by Joe Meyer that the Rate of mileage for town business for 2025 be set at .70 cents per mile.

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

Town of Attorney

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint David DiMatteo as the Town Attorney on an as needed basis, as outlined in the Attorney agreement signed at tonight's meeting 01/15/25.

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

Board Assignments

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint the following people to designated Boards and positions for the terms listed after each name:

Zoning Board of Appeals: Walt Youngers – 5 year term 1/01/25-12/31/2029

Youth Recreation Board: will appoint as needed

Planning Board: Jeff Nixon – 5 year term 1/01/25-12/31/2029

Park Committee: Don Neamon, Dave Thornton, Janet Bonner, Bob Graham, Darlene

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Janes 5 year term: 1/1/2023-12/31/2027.

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

Regular Board Meeting

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Regular Board Meeting be the third Wednesday of the month at 7:00 PM at the Sheldon Town Hall.

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

Highway Superintendent Maintenance Spending Amount

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Highway Superintendent be allowed to spend an amount not exceeding \$6,000 on the repair and maintenance of an individual piece of inventoried town equipment, without the Boards prior approval.

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

Highway Superintendent Small Tool Spending Amount

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Highway Supt. is authorized to purchase, without the Town Boards prior approval, small tools in an amount not to exceed \$2,499 per purchase. Any purchase of an individual piece of equipment in excess of \$2,500 shall be deemed a capital purchase, all of which shall be subject to Town Board approval.

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

Procurement Policy

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Town Board adopt the same Procurement Policy as was used in 2024 for the year 2025.

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

Investment Policy

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Town Board adopt the same Investment Policy that was used in 2024 for the year 2025.

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

Fund Balance Policy

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Town Board adopt the same Fund Balance Policy that was used in 2024 for the year 2025. First adopted September 19, 2018.

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

Workplace Policies

A motion was made by Joe Meyer and seconded by Jim Fontaine that the Town Board adopt the internet, email & computer use policy, discrimination & harassment policy, credit card use policy, code of ethics, emergency plan and workplace violence policies that were adopted in

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March 2014 and the sexual harassment policy originally adopted October 2018.

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

Scrap Metal Policy

A motion was made by Joe Meyer and seconded by Jim Fontaine to adopt the scrap metal policy that was first adopted March 2011.

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

Town Hall Use

A motion was made by Joe Meyer and seconded by Jim Fontaine to adopt the town hall use agreement that was first adopted on January 18, 2017.

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

Travel and Training Policy

A motion was made by Joe Meyer and seconded by Jim Fontaine to adopt the travel and training policy that was first adopted on January 18, 2017.

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

Newspaper

A motion was made by Joe Meyer and seconded by Jim Fontaine to designate the Batavia Daily as the Official Newspaper for 2025.

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

Committees

A motion was made by Vince Kirsch and seconded by Joe Meyer to appoint the following committees:

Street Lighting: Mike Armbrust & Joe Meyer

Building: Mike Armbrust, Vince Kirsch

Labor: Dan Farberman Wyoming Cty HR Dir, Vince Kirsch & Brian Becker

Highway: Entire Board

Planning/Zoning: Mike Armbrust & Jim Fontaine

Park Committee: Joe Meyer

Assessment Committee: Vince Kirsch & Jim Fontaine

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

Lawn Mowing Quotes

A motion was made by Joe Meyer and seconded by Jim Fontaine to get three quotes for lawn mowing at the Town Hall and Vincent Almeter Park.

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

Town Audit

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A motion was made by Vince Kirsch and seconded by Joe Meyer to have Supervisor Becker hire Don Przbyl to audit the town books.

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

Strykersville Seniors

Strykersville Seniors financial report is on file in the bookkeeper's office.

Williamson Law Book

A motion was made by Joe Meyer and seconded by Jim Fontaine to authorize Supervisor Becker to sign agreement with Williamson Law Book for Town Tax Collector software \$548.00.

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

Budget Transfers

A motion was made by Jim Fontaine and seconded by Joe Meyer to authorize the following fund transfers:

TRANSFERS FOR 1/15/25 BOARD MEETING				
HIGHWAY FUND				
TRANSFER FROM	DA5110.4	GENERAL REPAIRS - CONTRACTUAL	\$ 4,607.10	
TRANSFER TO	DA5112.2	PERMANENT IMPROVEMENTS - CAPITAL OUTLAY		\$ 4,607.10
TRANSFER FROM	DA5110.1	GENERAL REPAIRS - PERS SERV	\$ 8,418.95	
TRANSFER TO	DA5148.1	SERVICES FOR OTHER GOV - PERS SERV		\$ 8,418.95
TRANSFER FROM	DA5130.1	MACHINERY - PERS SERV	\$ 834.94	
TRANSFER TO	DA5148.1	SERVICES FOR OTHER GOV - PERS SERV		\$ 834.94
TRANSFER FROM	DA5112.1	PERMANENT IMPROVEMENTS - PERS SERV	\$ 4,731.60	
TRANSFER TO	DA5142.1	SNOW REMOVAL - PERS SERV		\$ 4,731.60
TRANSFER FROM	DA5140.1	MISC BRUSH & WEEDS - PERS SERV	\$ 2,460.40	

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TRANSFER TO	DA5142.1	SNOW REMOVAL - PERS SERV		\$ 2,460.40
TRANSFER FROM	DA5130.1	MACHINERY - PERS SERV	\$ 242.65	
TRANSFER TO	DA5142.1	SNOW REMOVAL - PERS SERV		\$ 242.65
TRANSFER FROM	DA5142.4	SNOW REMOVAL - CONTRACTUAL	\$ 4,266.75	
TRANSFER TO	DA5142.1	SNOW REMOVAL - PERS SERV		\$ 4,266.75
TRANSFER FROM	DA9050.8	UNEMPLOYMENT INSURANCE	\$ 55.24	
TRANSFER TO	DA9030.81	MEDICARE		\$ 55.24
TRANSFER FROM	DA9010.8	STATE RETIREMENT	\$ 203.23	
TRANSFER TO	DA9030.8	SOCIAL SECURITY		\$ 203.23
TRANSFER FROM	DA9050.8	UNEMPLOYMENT INSURANCE	\$ 181.13	
TRANSFER TO	DA9030.8	SOCIAL SECURITY		\$ 181.13
			\$ 26,001.99	\$ 26,001.99

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.

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

General Bills #1 to #17 for a Total of \$15,018.96, the

Highway Bills #1 to #12 for a Total of \$19,806.01, the

Lighting District Bills #1 to #1 for a Total of \$650.72, the

Trust & Agency Bills #1 to #2 for a Total of \$333.83, and the

Varysburg Water District Bills #1 to #5 for a Total of \$1,167.53 be paid.

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

Comments from the floor

Jim Perl- wants to know what happened to the solar panel project? He has had another company approach him. As far as the town is aware Supervisor Becker advises we don't have anything on the radar. Dan Pingery has also been approached for panels on his property too.

Chris George - What if we clean up Mill's property and he lets it happen again. Vince Kirsch advised that is why we have these proposed property maintenance laws, to protect the neighbors and community.

Heliman Henrich- Wants to know what the zoning officers jobs entails as he might be interested in the position. Supervisor Becker explained the range of aspects that are involved with the job but express how Don Roberts at the County has a contract with the town. Jim Fontaine did offer

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the youth recreation coordinator position available. Heliman felt as though he had been on the wrong side of the zoning officer and not treated fairly.

Adjournment

At 9:44 p.m. a motion was made by Vince Kirsch and seconded by Joe Meyer to adjourn the January 15, 2025 meeting of the Sheldon Town Board.

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