

REGULAR MEETING, TOWN OF SHERMAN,
Aug. 5, 2021

A regular meeting of the Town of Sherman Board was held on Thursday, Aug. 5, 2021 at 7:00 p.m. in the Town Office Building, 111A Mill St, Town of Sherman, Chautauqua County, New York at 7:30 PM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/ Deputy Supervisor
	Howard E. Crump	Council Member
	Bessie V. Endress	Council Member
	Tamera M Weise	Town Clerk

Absent: Ben Nickerson - Council Member, Dennis Sweatman - Highway Superintendent

Guests: Greg Ossman – CEO, Marty Procter

Supervisor Persons called the meeting to order at 7:00 and led the Pledge to the flag.

*Greg Osman- CEO gave his monthly report as follows:

Number of inspections for July are 19
Number of inspections this year are 96
Number of Permits issued for July are 2
Number of Permits for this year are 13
Dollar Amount of Permits for July are \$45,000
Dollar amount of Building this year are \$272,100
Miles traveled for July are 95

Permits issued to:

Aaron Borkholder, 7575 Bates Rd for a barn.
Norman Detweiler, 7549 Bates Rd for a barn.

- CEO Greg Osman asked for the Boards approval for the registration for the 2021 Western Southern Tier Building Officials Educational Conference Sept. 15, 16 & 17 to be held at Chautauqua Harbor Hotel in Celeron, NY. The total cost is \$325.00; The Town of Sherman is to pay half and The Town of Stockton will pay the other half.

RESOLUTION #45

Supervisor Mark Persons made the motions, seconded by Councilman Howard Crump for The Town of Sherman to pay for half of Greg Osman’s schooling in the amount of \$162.50. MOTION CARRIED.

APPROVAL OF MINUTES

RESOLUTION #46

Councilwoman Bessie Endress made the motion, seconded by Councilman James Higginbotham to approve the minutes from the last board meeting. MOTION CARRIED.

RESOLUTION #47

ABSTRACTS/CLAIMS

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to approve payment of General Claims #105 through #113 in the amount of \$1,985.81. Highway Claims #91 through #101 in the amount of \$10,893.39.

MOTION CARRIED.

JUDGE'S REPORT

Judge Penfold's July report shows fines of \$3022.00.00 Civil fees of \$70.00 and surcharges of \$1854.00 for a total of \$4,946.00.

CLERK/REGISTRAR'S REPORT

- Clerk Weise provided the Board with a copy of the 2021 Board of Assessment Review report from Chairman Paul Sears as follows.
- 2021 Annual Sexual Harassment Training is coming up. Clerk Weise received an email from Instructor Michael Foti saying he is willing to come again in Oct. Do we want to have him come or use the free on-line program as we did for 2020? After discussion it was decided to go with the free on-line course as we did in 2020.
- Clerk Weise updated the Town Board on the Consolidated Dog Enumeration mailing with the Town of Sherman, Mina, French Creek and Clymer. The start date will be October 1, 2021 and end date November 30, 2021. Supervisor Persons reported that the four Supervisor's met and felt it would be in the best interest of the four municipalities to have the same fee structure for dog licenses in order to not confuse the town resident's.
The new fee structure recommendations are as follows:
Spayed Dogs \$5.00,
Un-spayed or Un-neutered \$15.00
Not answering enumeration fee \$25.00
Impounded Dog fee \$25.00
Non-Licensed Court Fee \$25.00.
Clerk Weise also informed the Board in order for Kelly Thornton to be able to write appearance tickets for unlicensed dogs she needs to be sworn in and sign an oath of office. Clerk Weise asked for the Boards approval to do this before next month's Board meeting.

RESOLUTION #48

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to accept the New Dog Fees to go into effect on Oct. 1, 2021 and to allow Clerk Weise to read Kelly Thornton her Oath of Office and sign as Town of Sherman Dog Control Officer.

MOTION CARRIED.

The following Fund Balance as of 8/5/2021 was present to the Town Board as follows:

Highway Balance \$ 170,885.40

General Fund Balance	\$ 213,471.87
Special Trust	\$ 115.44
Youth Checking	\$ 189.42
Youth Savings	\$ 4,873.24

ASSESSOR'S REPORT

August Assessor Report

- There were 5 deeds recorded in June.
- The sales analysis of CAP4 has begun, as the June deeds have been received from the County Clerk's Office. This process will help to determine what areas have the biggest disparity in sales vs assessment.
- This process includes drive by inspections of all sales that have occurred in the past year. New photos are taken to represent the condition at time of sale and compared to previous photos. The inventory is verified through sales listings and sales verification mailers that are sent to new homeowners at the time of sale.
- The process should conclude in September

HIGHWAY SUPERINTENDENT REPORT – No Report

SUPERVISOR REPORT

Supervisor Persons presented the following to The Town Board:

- Highway Superintendent Dennis Sweatman had been notified by David Burkholder that he had set two posts on the end of Bement Rd with the intent to put a gate across the road.
Supervisor Persons contacted the Towns Attorney Joel Seachrist and ask that he send a letter to Mr. Burkholder letting him know that it is illegal for him to do this. Mr. Seachrist sent the following letter:

Davis Burkholder
7852 Freeman Rd
Sherman, NY 14781

Re: Bement Road / Improper Use of Town of Sherman Right-of-Way

Dear Mr. Burkholder:

I am the attorney for the Town of Sherman and write concerning your apparent intention to erect a gate across Bement Road, as suggested by your placement of two gateposts along the road approximately 2,300 feet east of Armenian Road.

Bement Road is a town highway, two rods or 33 feet in width, running eastward .56 miles from Armenian Road. Your gateposts are within the Town's right-of-way for the

road and they likely will interfere with snow removal, and undoubtedly a gate or fence would if you place one between the posts.

Section 319 of New York's Highway law provides, in part; "It shall be the duty of each owner or occupant of lands situate along the highway, to remove all obstructions within the bounds of the highway, which have been placed there, either by themselves or by their consent...[and] if permanent obstructions, including, among others, telegraph, telephone, trolley and other poles and wires connected therewith, are not moved and reset within thirty days, the town superintendent shall move and reset such poles and wires."

Please consider this letter an order by the Town of Sherman Highway Superintendent to (a) remove the gateposts you've placed within the Town's right-of-way on Bement Road, and (b) stop interfering with the Town's ability to properly work the town highway. If you have not removed the posts within thirty (30) days, the Town will remove them at your expense, as permitted by statute.

Sincerely,

Joel Seachrist

- Discussion was held on The Town of Sherman allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4. After discussion it was decided it was in the best interest for the Town of Sherman to OPT-Out at this time.

The following Resolution Calling for a Public Hearing was presented:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Sherman, New York, on Thursday, September 2, 2021 at 7:15 p.m. at the Town Office Building, 111 Mill Street, regarding the adoption of the following local law:

7:15 p.m. Local Law No. 2 of 2021, by which the Town of Sherman would adopt to Opt out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4.

Any resident of the Town of Sherman is entitled to be heard upon said proposed local law at such public hearing. Copies of the proposed local law are available for review at the Town Clerk's Office, 111 Mill Street, in Sherman, during regular business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN BOARD OF SHERMAN, NEW YORK.

RESOLUTION #49

Councilwoman Bessie Endress made the motion, seconded by Councilman James Higginbotham to accept the Resolution Calling for a Public Hearing on Thurs. Sept. 2, 2021 at 7:15 p.m. MOTION CARRIED

- Supervisor Persons let the Town Board know that he sent a positive response to Cathy Young's letter asking for support of keeping the NY State Districts in tact as is.

Councilman James Higginbotham made the motion to adjourn the meeting.

MEETING ADJOURNED AT 8:05 p.m.

Respectfully Submitted,

Tamera M Weise
Sherman Town Clerk