

VILLAGE OF SHERMAN
MINUTES OF THE
REGULAR MEETING OF THE BOARD,
& MEETING OF THE MUNICIPAL ZONING BOARD
Wednesday, July 12, 2023 at 6:00pm

Mayor Colleen Meeder called the meeting to order at 6:00pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Gary Emory and Danielle Crane; Clerk-Treasurer Jeanette Ramm, and the press were in attendance.

RES 2023-07-12.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held June 14, 2023.

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

UPDATES: The case brought to the Town Court for the West Main Street property found in violation of property maintenance codes under the NYS Uniform Fire Prevention and Building Code was dismissed since it was recently discovered that the required Van Sickle Letter – one which gives the Code Enforcement Officer the authority from the District Attorney’s Office to prosecute property maintenance cases – was not on file for the Village of Sherman, only the four township code enforcement officers. This is an unfortunate oversight, an error of omission, that regrettably has the Village beginning the process to prosecute all over from scratch.

The Village has two avenues it can chose from, one is to return to the court with ‘new’ evidence, after the code enforcement officer re-initiates the notices to the property owner and tenant, taking a great deal of time, and expense, for the purpose of seeking the unlikely fines and prison time, with possible remediation. This process would take at minimum a year (with the typical winter interruption and likely 90-day extensions given to the tenant for the opportunity to remediate on their own). Or the Village can pursue remediation under the Zoning Law which will likely result in the Village taking on the remediation on the private property, to be reimbursed, if not, re-levied onto the property owner. The details of this legal issue will be discussed further in executive session.

RES 2023-07-12.2: SHERMAN DAYS - MOBILE FOOD VENDOR SPECIAL USE PERMIT

Motion to authorize the enforcement officer of code and zoning to approve the special use permits for the mobile food vendors for the annual Sherman Days events, held the first weekend in August, Friday thru Sunday; the Municipal Zoning Board herein approves and authorizes the enforcement officer to approve the special use permit applications that are in compliance with Section 641 Mobile Food Vendors of the Village of Sherman Zoning Law.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

RES 2023-07-12.3: SOLICITATION OF EDUCATIONAL BOOKS–SPECIAL USE PERMIT

Motion to approve the special use permit for Thomas Schultz under the business name of “Thomas’s Educational Books” to solicit/sell educational resources in the Village (as a summer internship while in college), this is in accordance with Village Ordinance Chapter 11 “Hawkers, Peddlers, and Solicitors”, for the period of July and August 2023, between the hours of 10am until 7pm, on the following days of the week: Monday thru Friday; at a total cost of \$1.00, one dollar.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

ZONING BOARD OF APPEALS

The next Zoning Board of Appeals (ZBA) meeting is scheduled for Wednesday, July 19, 2023, at 6:30pm. Items on the agenda will include public hearings for properties that have received notice of non-compliance requiring a variance in accordance with the adopted amendment to the Zoning Law regarding Section 616 Fences Walls and Hedges; as well as, a special use permit and area variance for an 10x20’ accessory structure (shed) at 104 Miller.

The ZBA held a retreat on Thursday, July 6, at Webb’s, where they were joined by members of the Village Board of Trustees and the enforcement officer. The mayor presented information on the structure of the municipal boards, history, and procedures around the adoption of local laws, etc. After which the ZBA members continued on with their retreat.

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board of Trustees.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER & WATER

- In Mr. Irwin’s absence, it was noted that we have two new hires. One predominantly for sewer, and the other for streets and water.

STREETS

- Paving will be our next big project. We are trying to coordinate with the Town to use their equipment. Dennis Sweatman anticipates being done this week and is offering Ryan and his truck for next week so we can work on Columbia and lower Church Street. Columbia and Church are our focus, but if there is time and materials left over we will work on the Dollar General’s parking lot. This is the Dollar General’s parking lot, and their responsibility, but it will benefit a lot of people so if we have the ability, we will address this.
- The footer has been poured for the Edmunds Park building.

CAPITAL PROJECT UPDATES

SEWER

- We are waiting on Sanitaire, a subcontractor under H&K, to come help set the system up. This is why the decanter didn't work properly on SBR 2, as the fail safes weren't set correctly but it will be running on Tuesday once Sanitaire has been.
- Once this is done, we will have a special meeting to address the substantial completion date as USDA RD doesn't want to wait until the next regular meeting. CHRIC is also wanting to have a CDBG Public Hearing, which can be held at the same special meeting.

WATER

- The punch list for the final inspection is ready and we expect Northrup to get through the major items on the list quickly. The issue is the reclamation of the last properties which cannot happen while the ground is so dry. We anticipate seeding to happen at the end of August, beginning of September after which we will pay the outstanding balance to Northrup.

NYMS AWARD – See Steering Committee below.

CCPEG AWARD – A scoping meeting is being scheduled with GOBike and B&L for the Complete Streets Initiative.

EV CHARGING STATIONS – We are at the point of inspections and the installation of electricity to the site. This means we have the charger and panels but are waiting for National Grid. It is our asset, so any electrical costs are ours and any revenue will be ours too. Revenue details are negotiated closer to the final installation. All the installation expenses are covered by the grant except for the electric bike connection and bike rack which were added since we were under budget. It is unclear at this time if these will be included in the project, but they would be our only expenses. The purpose of the charging station is to get Sherman on the map and have them available to draw people into the village.

PRESERVE NY GRANT – the Village of Sherman received a regret letter notifying us we were not awarded the Preserve NY Grant for this current round of funding. The \$14,000 requested toward the \$20,000 project application was submitted on time with the assistance of Clinton Brown Company Architecture who is to perform the Historic Structure Report once the Preserve NY Grant is awarded. Unfortunately, there is limited funding for the number of project requests, and we will need to resubmit the application in the future. Clinton Brown and Mayor Meeder will be meeting with the grant coordinator from Preservation League of NYS to discuss this further.

COMMITTEE UPDATES

Chautauqua County Water & Wastewater Cooperative - The Department of State is really dragging their feet on processing payments to the county and acting on the (required) extension request. Chautauqua County has not yet received any payment towards this project! In light of this, the monthly meeting scheduled for Tuesday 6/27, was cancelled.

Steering Committee met on June 29th, to discuss the scope of work and prioritize the Walkway Awning Project, as follows:

1. Electric & Sound should be covered by CCPEG funds. We received one bid from the Builders Exchange of the Southern Tier (BEST), which we will accept at this meeting.
2. Remove the grant funds allocated for 130 West Main Street and reallocate them to the Main Street awnings.
3. LVL (laminated veneer lumber) needs to be added for extra support along the north side.
4. Gutters need to be added on the north side.
5. Ceilings need to be added along the north side.
6. Ceilings on the south side include the Cooler, old Hardware and LMNOP but not Mr. Wagner's property (not part of the awning project).
7. Gutters are needed on the south side.
8. Signs are optional as they are expensive and need to be consistent which brings its own issues. This will be addressed later as part of the "business district" which will determine how businesses conform with their signs e.g., size, color, and placement (above the roof or hanging below the ceiling).

Edmunds Park Committee – the playground equipment has been ordered, the footer has been poured for the foundation to the restrooms, they are preparing to close on the donated property and easement for the Volleyball Court.

Sherman Historical Society – construction has begun on the museum buildings with the CRCF award. They have prioritized several things they wish to accomplish prior to Sherman Day. The Historical Society volunteers have been painting, cleaning, and preparing for Sherman Day and the scheduled events including:

1. Live music which will include Shawn McKane, Bill Ward and Dr. John Hamels.
2. Demonstrations of old-time crafts including wool spinning, broom making, rug making, etc.
3. Sherman Historian, Annette Swan's book will be available.
4. Tour the museum - the invitation is open to everyone to come and enjoy a stroll through this unique piece of history, which includes 6 restored buildings: the Chapel, Peter Ripley House, Ray Larson General Store, Buggy Shed, the Log Dwelling and Nettle Hill School.
5. Free punch and cookies will be available.
6. Wagon rides starting at the Yorker Museum.
7. A handmade blanket is being raffled off.

Friends of the Chautauqua County Greenway (FCCG) – is holding their first Gravel Grinder on Saturday August 12th, with Chautauqua Rails to Trails (CR2T) unfortunately another event has been planned on the same day, which may draw some of the traffic away.

MAYOR

- **MEETING CONDUCT** – a retreat was held with the three Village Boards i.e., the Village Board of Trustees, the Village Zoning Board of Appeals and the Village Planning Board, to discuss meeting conduct and public rights. The public has the right to attend, listen and observe meetings, without interruption or disturbance to the business being transacted. See resolution #9.
- **THE WHITE MONSTERS OF SHERMAN, NY** – we had a request from the Mothboys, based on a story of John goodwill's experience, to place signs along the trail. They were informed that they'd need permission from CR2T and/or the Town of Chautauqua for the places they were interested in doing this.

- **RETIREMENT** - Larry Meeder's retirement party is Sunday, July 30, any time after 12pm at the Cooler Bar & Grille. This event is open to everyone.

CHAMBER OF COMMERCE – the chamber postponed their meeting, and will meet Thursday July 13th, at 10am, in the Village Office.

PUBLIC PARTICIPATION

There was no public participation.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (07/12/2023) is \$228,455.37 & book balance \$96,020.44
 T&A Account: Balance of \$108,000
 NYS Fund Bank Account: Balance (07/12/2023) is \$28,955.50
 Sewer Project Bank Account: Balance (07/12/2023) is \$219,244.32 & book balance (37,637.40)
 Water Project Bank Account: Balance (07/12/2023) is \$4.49 & book balance (84,170.02)
 Stormwater Project Account: Balance (07/12/2023) is \$22.73
 Parks Fund Account: Balance (07/12/2023) is \$76,165.82
 Climate Smart Account: Balance (07/12/2023) is \$136,893.85
 Debt Service Account: \$41,496.80
 Reserve Account: \$13,674.90
 CD Account: Balance (07/12/2023) is \$0
 CD Transfer: N/A
 Account Adjustments: N/A

RES 2023-07-12.4: VOUCHER #2 2024

Motion to accept Voucher #2 for \$232,582.76 for June 2023, of which \$16,510 is from the NYS Special Fund, \$74,670.57 is from the Sewer Project Fund, \$9,239.50 is from the Water Project Fund, \$0 is from the Parks Fund, \$0 is from the Stormwater Project Fund, \$0 is from the Climate Smart/Economic Development Fund and \$107,511.08 is for Stanley Hose Company.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

OLD BUSINESS:

There was no old business addressed.

NEW BUSINESS:

An updated schedule of general special use permits and variance applications was presented:

Schedule of Fees

Recodification Local Law Sec 402 Authorized

	Residential	Rural	Commercial
	1 & 2 Family	Residential	& Multi-Dwellings
G Initial Special Use Request	50.00	40.00	50.00
Special Use Requiring Annual Renewal	30.00	30.00	30.00
H Area Variance Request	150.00	100.00	200.00

RES 2023-07-12.5: AMENDMENT TO THE FEE SCHEDULE

Motion to amend and approve the schedule of fees for special use permits, applications and requests heard before the Zoning Board of Appeals; as follows:

Schedule of Fees

Recodification Local Law Sec 402 Authorized

Residential	Rural	Commercial
1 & 2 Family	Residential	& Multi-Dwellings

G Initial Special Use Request	50.00	50.00	50.00
Special Use Requiring Annual Renewal	30.00	30.00	30.00

Request heard before the Zoning Board of Appeals - ZBA (These amounts are in addition to other required permit fees.)

If both a special use permit and a variance is required, a variance must be sought first, and the combined fee is the greater of the two.

H Special Use Requests heard by the ZBA	50.00	50.00	50.00
Appeals, Requests for Interpretation and Determination	30.00	30.00	100.00
Area Variance - Sec 616 Fence, Wall, Hedges & Sec 640 Accessory Structure	30.00	30.00	45.00
Area Variance Request	150.00	150.00	200.00
Use Variance Request will also require an additional escrow amount to...	250.00	250.00	250.00
...cover review costs associated with legal, environmental, engineering, and related studies, i.e. traffic analysis			

Moved by Trustee Crane Seconded by Trustee Sanders
Ayes: 4 Nays: 0 Carried

RES 2023-07-12.6: VOLLEYBALL COURT EASEMENT WITH DUANE WOODS

Motion to approve the agreement between the Village of Sherman and Duane Woods for the easement at property SBL 328-10-2-37.1 for the volleyball court located at Edmunds Park. The volleyball court extends over the new property line (of the donated property in process) onto the property owned by Duane Woods, which is to remain under Duane Woods' ownership. The easement is only for the volleyball court which is located approximately 30' off of the building on Duane Woods' property. The Village shall maintain the volleyball court and its usage. If at any time in the future the Village fails to maintain the volleyball court or desires to abandon the volleyball court, this easement shall cease to exist and terminate.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 4 Nays: 0 Carried

RES 2023-07-12.7: DONATION OF \$50,096 FROM WAKE FAMILY FOUNDATION

Motion to accept the donation of \$50,096 from the Wake Family Charitable Foundation, and Harold Wake, to the Village of Sherman for the purpose of the George Edmunds Memorial Park project, for the children's playground, located between Hart St and Franklin St, off of Creekside Lane, along French Creek.

Moved by Trustee Crane Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

RES 2023-07-12.8: PURCHASE KUBOTA NOT TO EXCEED \$20,000

Motion to approve and authorize the mayor to purchase a Kubota UTV, to be purchased on governmental service contract (through Sourcewell), not to exceed \$20,000; to be delivered on or after Monday, August 7, 2023.

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

RES 2023-07-12.9: CONDUCT OF PUBLIC MEETINGS & PUBLIC HEARINGS

Motion to approve and authorize the following resolution for the purpose of conducting an orderly meeting or hearing of any one of three village boards, (Village Board of Trustees, Village Zoning Board of Appeals, and Village Planning Board):

**Under the laws of New York State,
the Board is conducting an official meeting.**

Attendance at any Public Board Meeting requires appropriate conduct.

The public has the right to attend, listen to and observe meetings *without interruption or disturbance to the business transacted.*

Whereas, the Village of Sherman has three official public bodies. As prescribed by the NYS Consolidated Law for Villages to incorporate, the NY State Consolidated Law under Village § 7-712 Zoning Board of Appeals and Village § 7-718 Planning Board require the establishment of governing boards for such purposes. All of which follow Public Officers Law (included within is Article 7 Open Meetings Law) and provisions of General Municipal Law along with any other applicable NY State Law for organizing and holding public meetings; and

Whereas, the public bodies convene to conduct the business of the Village Municipality; and

Whereas, the meeting shall be open to the general public, except when an executive session is called; and

Whereas, each Board has its own guidelines for procedures for its own purpose and it varies dependent on the nature of the meeting, i.e., purpose of the meeting, length of agenda, number of members of the public in attendance; and

Whereas, the presiding member of the public body is to be addressed accordingly, Mayor for the Village Board of Trustees, or Chairperson (Chair) of the Zoning Board of Appeals or the Planning Board; and

Whereas, the presiding member of the public body, “Board”, is responsible for keeping order and ensuring the business of the agenda is completed without disruption.

Now Therefore be it resolved, by the Village Board of Trustees of the Village of Sherman, New York, that during a public meeting the presiding member determines *if*, when, and for how long members of the public have to address the board; and

Be it further resolved, that at a public hearing the presiding member determines the amount of time allotted each member of the public their right to speak, limited to relevant points on the subject of the public hearing, while taking into consideration all in attendance, giving the opportunity of no less than two minutes per individual; and

Be it further resolved, that the presiding member shall use a gavel for maintaining order and having the authority, retains the ability to excuse someone if their conduct becomes abusive, threatening, or falls outside of the matter at hand, by first asking them to refrain from their behavior or speech, then by asking them to leave voluntarily, or eventually having them removed; and

Be it further resolved, that the governing boards have the authority to retain a sentinel for attendance in the meetings for security and have the power to employ or contract said officer and to pay for their services, and to provide for such other expenses as may be necessary and proper.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

RES 2023-07-12.10: NEW HIRE – PART-TIME WWTP & WATER OPERATION

Motion to approve Matthew Swanz for the part-time wastewater and water operations position: to be regularly scheduled for four hours per day, five days a week totaling 20 hours per week, at a starting rate of \$20.00/hr. This position requires a Wastewater and Water Operator certifications.

Moved by Trustee Sanders Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

Approved following the executive session.

RES 2023-07-12.11: NEW HIRE– FULL-TIME STREETS, WWTP & WATER OPERATION

Motion to approve Craig Weinheimer for the full-time position in the various public works departments at a starting rate of \$22.50/hr. This position requires the ability to run equipment while working in the streets department with the ability to be cross trained with the sewer and water departments, ultimately receiving operator certifications.

Moved by Trustee Crane Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Approved following the executive session.

RES 2023-07-12.14: SPECIAL MEETING & PUBLIC HEARING OF CDBG APPLICATION

Motion to schedule a special meeting for the purpose of approving the proposed WWTP Change Order for the extension of the Substantial Completion Date and the public hearing of the proposed 2023 CDBG application for Housing Rehabilitation for an amount up to \$500,000, on Tuesday, July 25, 2023, at 6:00pm; to be held at the Village Office; and post the notice at the Post Office, other public establishments, in the Post Journal and on the website.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

With the posted RFQ on The Builders Exchange of the Southern Tier for the Electric and Sound scope of work advertisement, the Village only received one quote from Cole Electric.

RES 2023-07-12.15: ACCEPT BID FOR ELECTRIC & SOUND FOR AWNING PROJECT

Motion to accept the bid from Cole Electric in the amount of \$21,860 for the electric and sound installation on the North and South sides of Main St, under the awning, as part of the Main St Restoration Project, and to accept the recommendation from Heritage Resources and the Steering Committee and approve the use of the awarded grant from CCPEG to cover this expense.

Moved by Trustee Crane Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Motion to move into Executive Session at 7:45pm to discuss legal and contractual issues, with possible action to be taken following the executive session.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Returned to the regular meeting at 8:52pm.

Approved following the executive session:

RES 2023-07-12.10 NEW HIRE – PART-TIME WWTP & WATER OPERATION

RES 2023-07-12.11 NEW HIRE – FULL-TIME STREETS, WWTP & WATER OPERATION

RES 2023-07-12.16: SCREWPRESS CONTRACTUAL AGREEMENT

Motion to authorize the mayor to draft and execute a contract with the Village of Cuba Wastewater Department for dewatering service.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

Motion to adjourn the meeting at 8:55 pm.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

Respectfully submitted

Jeanette Ramm

Clerk=Treasurer

**Next Meeting: Special Meeting July 25, 2023 at 6pm.
 Regular Meeting August 9, 2023 at 6pm.**