

VILLAGE OF SHERMAN
MINUTES OF THE PUBLIC HEARING OF
LL 1-2021 AND OF THE CLIMATE SMART COMPREHENSIVE PLAN,
AND THE REGULAR MEETING OF THE BOARD
Wednesday, July 14, 2021 at 6:00pm

Mayor Meeder opened the meeting, which was held in person at the Village Office, and led everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Donna Higginbotham, Kirk Ayers and Dennis Watson, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, Residents Gary Emory and Jim Mayshark, and Marty Proctor were in attendance. The press joined the meeting via zoom.

RES 2021-07-14.1:

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held June 2nd, 2021 and the Special Meeting held June 23rd, 2021.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the Public Hearing of the proposed Local Law 1-2021, amending the 2009 Zoning Law.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

PUBLIC HEARING OF LOCAL LAW 1-2021
amending the 2009 Zoning Law (regarding Solar Energy Systems):

Mayor Meeder explained that the Village of Sherman Local Law 1-2021 “Amending and Superseding Local Law No. 4 of 2020 whereby the Village of Sherman Regulates Solar Energy Systems” will also change our zoning code. This law updates and replaces Local Law 4-2020, as well as updates and replaces Section 619 within the Zoning Code. The additional Article 14 was added at the recommendation of our attorneys at Barclay Damon, LLP. This law has already been discussed at previous meetings and no one had any questions, so the motion was made to close the public hearing.

Motion to close the Public Hearing of LL 1-2021 and enter into the Public Hearing of the proposed Comprehensive Plan for the Village of Sherman.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

PUBLIC HEARING OF THE
VILLAGE OF SHERMAN COMPREHENSIVE PLAN:

NYSDEC (Department of Conservation) awarded us a grant to conduct a Comprehensive Plan as part of the Climate Smart Communities initiative. This was a \$36,000 project, with \$18,000 in grant funds and \$18,000 in Village matched funds to be conducted over a period not to exceed five years,

March 2019-March 2024. The mayor introduced John Steinmetz (Senior Managing Community Planner) from Barton & Loguidice to present the final draft of the plan. Mr. Steinmetz discussed the comments received at the Open House on May 24th, and the letter received from the County Planning Office which was very positive. He explained that most of the comments/suggestions from the Open House were not relative to the comprehensive plan, in the sense that they did not warrant making any edits to the plan. The comments were good, but some of the ideas were more for the school district than the Village. All the comments are recorded in the Appendix so that none of the ideas are lost or overlooked. All the ideas will be available for consideration as the Village moves forward with the plan. The final Comprehensive Plan and the Appendix are available on the Sherman website at shermanny.org. The letter from the County Planning Office was very positive. There were five main points: the first point applauded our Green Infrastructure efforts, the second addressed our lack of responsible parties for the various actions but the committee made a conscious decision to leave that level of detail out of the document, the third point talked about our economic initiatives and how the County could be of help with that, the fourth point referred to how the plan was presented, and the fifth point encouraged our idea about putting in electric charging stations.

This Comprehensive Plan is a catalyst for future projects and zoning updates and will be added to future applications, such as our Green Innovation Grant Program (GIGP) application at the end of July. It shows that we are following a strategy and not arbitrarily doing projects. This updated plan makes us more competitive and shows grant funders that we have thought about our future, and that we have direction and momentum. Mr. Steinmetz ended by commending the Steering Committee and answering some questions about the plan.

Motion to close the Public Hearing and resume the Regular Meeting of the Board.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

There was no need for a municipal zoning board meeting as no action was required. The enforcement officer's report was given in the regular meeting of the Village Board.

REGULAR BOARD MEETING:

ZONING / CODE / GENERAL ENFORCEMENT -

- Property Maintenance – Although NYS law allows for jail as a penalty for derelict properties, it is not applicable to low-income families.
- Permits – Mr. Gormley is working on permits, new and old i.e., following up with open building permits coming up on their anniversary.
- Mayor Meeder is working with the Village attorney to clarify the roles of enforcement Mr. Gormley has. This month Mr. Gormley dealt with residents closing off the alley on the northside of Main Street and an encampment on Village property near Rails to Trails, neither of which are code nor zoning issues. Last month he was working with the DEC sorting out the issues along French Creek. We are not looking at law enforcement, but trying to clearly identify a municipal code, zoning, and general enforcement role.
- Chautauqua County is doing a study via the NY Department of State's Local Government Efficiency Program: **"County Code Enforcement and Efficiencies Feasibility Study"** of

Town and Village level needs and opportunities. The Village Mayor is sending a letter of support for the grant application. Though the Village believes that County level coordinated code enforcement is impractical because Village Zoning Law ties directly into Building Code Enforcement. The Village would support the development of a regional housing court, shared fire code inspectors, and shared software technology.

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

- **SEWER** – Kyle Rhebergen successfully finished his Basic Wastewater Operations course. He has two more courses which he will complete next year.
 - Everything went well with our Department of Conservation (DEC) Inspection.
 - The Triple Reduction Drive (main processing control) is severely leaking oil and getting worse. Our main drive broke down 2 years ago and this is our backup drive which we were hoping would suffice until the plant upgrades. The drive is over 40 years old, is obsolete and will be expensive to repair or replace, especially since it will only be used for the next 1½ years. We must either buy a new one (+\$20,000) or a rebuilt one to carry us until the upgrades. The rebuild quote 2 years ago was \$15,000. Mr. Irwin said he and the engineers are looking at ways to have this grant funded, possibly through EFC or USDA, but it is unlikely. Unfortunately, this is an emergency – we must have a functioning drive.
- **WATER** –Northrup is going to start bringing in their construction equipment, the pipe is already being delivered and they are set to start work on July 26th. The new control building should be done before the end of October.
- **STREETS** – First and Edmunds Streets paving is complete; thank you to the Sherman Town Highway Department for providing the equipment and labor to apply the finished topcoat. Usually the County helps with the topcoat but with all the Covid related delays the Town was able to help us finish this without any more postponements. The driveways still need to be finished along First Street so that the reseeding can be done. There is still a lot of work to be done, and the recent flooding has not helped.
- **STORMWATER** – The barrier behind the Lang and Deering properties was working, but with the excessive amounts of water in the last few days, there was too much debris plugging the flow. This will be addressed by adding another barrier 30-40 feet higher up the creek which will catch most of the debris first and we can clean this out first to prevent flooding. During the flooding we pulled some manholes and discovered sewer issues on the West side of Miller Street. We plan to smoke test again in a couple of weeks to determine where the excess flow and other I&I issues are coming from.

GRANT APPLICATION UPDATES

Update on Consolidated Funding Applications (CFA):

2021 GIGP Application – The Village is reapplying with the EFC for the Green Innovation Grant Program for the Stormwater Project – Main Street phase. NY State Senator George Borrello has offered to assist with providing letters of support for our application.

2021 CDBG Application - The Village will wait until the next application cycle to apply for the CDBG co-funded infrastructure grants for the stormwater project, (in conjunction with WQIP and GIGP grants).

2020 CDBG-CV Application – The Village is not eligible to facilitate the application for the HVAC at the firehall because the Village is required to ‘own’ the community building.

2021 EPG Application – The Village is NOT-reapplying to the EFC for the Engineering Planning Grant for the study of Composting Grade A Material. The Village is first investigating the possibility of working with Griffin Residuals.

The **NYSDEC Climate Smart Communities Grant** for Zoning is NOT an option this funding cycle (50% Grant approximately \$50,000/\$25,000 match). NYSERDA has a grant open for zoning and planning requiring a 50% match on a \$100,000 project focused on reducing greenhouse gases.

Update on other Grant Funding Applications (non-CFA):

Electric Vehicle Charging Stations (**NYSERDA** and National Grid) – this is a two-part application as we would have to apply to NYSERDA for the stations and to National Grid for the construction. The DEC may also have funding available for electric charging stations. The project would include two stations and would need a location solely for this purpose. We are still investigating where the best location would be.

Status of Outstanding Grant Applications (non-CFA):

2020 CDBG – Housing Rehabilitation Grant is still outstanding, but CHRIC reached out today as we should have heard today. We have followed all the requirements but are not the only applicants. If we do not get this award we will reapply for the 2021 Grant cycle.

RBDG – Rural Business Development Grant, for the business signs, is still outstanding at this time.

CAPITAL PROJECT UPDATES

COMPREHENSIVE PLAN

- Climate Smart Comprehensive Plan – at this meeting the Village Board will complete the SEQRA and adopt the Comprehensive Plan.
- NYMS-TA (NY Main Street - Technical Assistance) Grant - Request for Proposals has been posted for the architectural study of a minimum of four buildings on Main Street, including the Village owned buildings.
- CDBG Grant – Request for Proposals will be posted shortly for the Community Planning / market analysis.
- Electric Charging Stations – grant application and easement are necessary first
 - NYSERDA provides \$4,000/station = \$8,000 for the pair of charging stations
 - National Grid funds up to 90% of the construction costs
 - Chautauqua County Planning & Development recommended seeking a NYSDEC grant
 - The Village will need to provide a panel throughout this process
 - Phase 2 charging stations are payable stations
 - First 5-years free networking, after which the networking will be paid by the Village (currently \$350/year)
 - The Village needs to determine the best location for the pair, with a possible easement
 - Estimated costs = \$2,000 application and \$3,000 for grant match
 - We’re hoping our solar project will eliminate the cost of the electricity they use

STORMWATER

- The Village Attorneys are drafting documents, preparing title searches on properties from Sherman Central School District (Nature Center), and Albert Firster.

SEWER

- EFC / DEC Meetings were held for the final approval of the plans
- CDBG Grant – WWTP
 - Completed 4-part webinar series on implementation and administration
 - Began submission of the required documents
- Bids will be coming up for construction (after the final approval from the EFC and DEC)
- The Village needs to contract an auditor before we can go to bid
- CEO/Building Inspectors are meeting tomorrow with Matt Zarbo to review site plans

WATER

- All Easements are in and filed with the County Clerk, except Derek Van Geisen
- Construction will begin on July 26th, materials have already started arriving

COMMITTEE UPDATES

EDMUND’S PARK COMMITTEE

The committee has been busy with upgrades including repairing the picnic tables, installing a new flagpole with a solar light, and mounting solar panels for security lighting. They are adding charcoal grills, plaques, a concrete slab under the pavilion and around the fire pit, putting up a white picket fence denoting the park boundary, preparing new flower beds, adding a privacy fence, and are considering adding bathrooms. Appreciation was expressed to the extended Edmunds’ family!

MAYORAL ADDRESS

• American Rescue Plan Act (ARPA) Funds

The Village of Sherman will receive \$69,153 – to be evenly split over two years

- Formula = (Population of V of Sherman / Population in NYS) X \$774,000,000
- The Village is a non-entitlement community (population less than 50,000)
- Non-entitlement municipalities must follow a process of application to NYS
- The clerk did apply for the ARPA funds
- Funds are capped at 75% of the Total Operating Budget as of 1/27/2020
- Total Operating Budget includes: General, Water, & Sewer Budgets
- Items required for application will include standard information:
 - DUNS number
 - Tax ID number
 - Contact Information
 - Banking Account Information
 - Budget
- How the funds will be used is not required yet, but will be reported at the end
- Details of how the funds can be used is still to be decided, not for past loss of revenue
- Likely to be used for Infrastructure Improvements (i.e., water, sewer, stormwater)
- Purpose is for costs following 3/2021 i.e., for forward progress
- Funds must be “committed” by 12/31/2024

- **Sherman Community Cat Project – Kelly Thornton’s 6 month report**

- West Main Street – 1 cat fixed by owner, 8 TNR (Trap, Neuter, Return), 8 cats removed, fixed, and available for adoption, 20 kittens removed, sent to foster care and adopted out
- Church Street - 3 cats previous TNR removed and relocated, 1 feral female removed and spayed at rescue, 1 TNR, 4 kittens removed and adopted out
- East Main Street - 2 fixed by owner and returned
- Park Street - 3 TNR, 15 kittens removed, sent to foster care and adopted out
- Hart Street - 1 fixed by owner and returned
- Direct expenditures: \$466.50, has \$58.50 remaining available

Mayor Meeder thanked Kelly for her diligent efforts, explaining to the Board what the cat problem would be like if she didn't volunteer to do this TNR program. The money we reimburse Kelly covers the direct medical costs and spaying/neutering. Kelly is not making money from this project.

- **CR2T – Chautauqua Rails to Trails**

- There is a Story Walk on the Trail at Rosie's Trail Head off Franklin Street, Sherman. It encourages people to get some exercise while enjoying a short children's story.

- **Virtual Meetings**

- End of the NYS COVID State of Emergency – June 24th, 2021
- End of Virtual – Zoom – Meetings as they have been conducted to date
- We are required to follow Open Meetings Law again, i.e., all members must be visible, and their locations must be published

PUBLIC PARTICIPATION

There was no public participation.

FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (07/14/2021) is \$361,806.67 & book balance \$209,204.96

NYS Fund Bank Account: Balance (07/14/2021) is \$0

Sewer Project Bank Account: Balance (07/14/2021) is \$81.50 & book balance (\$51,738.50)

Water Project Bank Account: Balance (07/14/2021) is \$622.50 & book balance (\$28,780.11)

Stormwater Project Account: Balance (07/14/2021) is \$501,300

CD Account: Balance (07/14/2021) is \$0

CD Transfer: N/A

Account Adjustments: N/A

It was noted that the payments from the water and sewer project accounts would only be mailed out once the reimbursement funds had come in.

RES 2021-07-14.2: VOUCHER #2

Motion to accept Voucher #2 for \$215,073.95 as presented for June 2021, of which \$0 is from the NYS Special Fund, \$15,325 is from the Sewer Project Fund, \$22,122.61 is from the Water Project Fund and \$0 is from the Stormwater Project Fund.

Moved by Trustee Ayers Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

Acceptance of APRA Funds, the ‘use of funds’ will be determined at a future date.

RES 2021-07-14.3: ARPA – AMERICAN RESCUE PLAN ACT FUNDS

Motion to record in the minutes the clerk-treasurer’s application for ARPA funding to the NYS Division of the Budget and accept the APRA Coronavirus Local Fiscal Recovery Funds; the Village of Sherman is eligible for \$69,153, to be received in two payments (summer 2021 in FY 2022 and summer 2022 in FY 2023).

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

RES 2021-07-14.4: AUDITING FIRM – REQUEST FOR PROPOSAL

Motion to approve the mayor to prepare and post the Request for Proposal for an Accounting and Auditing Firm to conduct an annual audit of the Village of Sherman financial statements and capital projects, in compliance with federal requirements under the Single Audit Act that requires a financial audit when \$750,000 or more is expended in ‘Federal’ financial assistance per fiscal year; and authorize the mayor to enter into a three-year agreement. (The requirement includes *all* federal funds, not by individual project.)

Moved by Trustee Sanders Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

OLD BUSINESS:

RES 2021-07-14.5: RESCIND CFA APPLICATION TO THE NYSEFC FOR THE EPG

Motion to accept the Village of Sherman will not apply for the NYSEFC Engineering Planning Grant (EPG) for the Composting Study through the 2021 CFA Consolidated Funding Application. (*Original RES 2021-01-20.3 for the 2020 funding cycle, 2020 application was denied.*)

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

RES 2021-07-14.6: RESCIND CFA APPLICATION TO NYSDEC FOR ZONING GRANT

Motion to rescind RES 2021-06-23.3 to approve the application to the NYSDEC Climate Smart Communities for the update to the Village Zoning Code to be written by Barton & Loguidice at a cost not to exceed \$4,000 and authorize the Mayor to sign the agreement with Barton & Loguidice.

Moved by Trustee Watson Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

The Full Update of the Village Zoning Code will involve a multiyear process, spanning three or four budget cycles, estimated to cost as much as \$50,000-\$60,000.

RES 2021-07-14.7: ZONING CODE UPDATE – COMMUNITY PLANNER (B&L)

Motion to approve the mayor to begin the process of updating the Village Zoning Code with the consultation of Barton & Loguidice, with an initial cost not to exceed \$4,000. (*After which a report can be provided to determine next steps and phases of Zoning Amendment implementation.*)

Moved by Trustee Higginbotham Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

Barton & Loguidice's Senior Managing Community Planner, John Steinmetz, presented the comments and environmental review of the Comprehensive Plan.

RES 2021-07-14.8: SEQRA NEG DEC & COMPREHESIVE PLAN ADOPTION

Motion to approve the Negative Declaration of SEQRA and adopt the 2021 Village of Sherman (Climate Smart) Comprehensive Plan:

AT A MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, HELD AT THE VILLAGE HALL, 111 MILL STREET, SHERMAN, NEW YORK ON THE 14TH DAY OF JULY, 2021, AT 6:00PM, THERE WERE:

MEMBERS PRESENT: COLLEEN MEEDER, RYAN SANDERS, KIRK AYERS, DONNA HIGGINBOTHAM AND DENNIS WATSON

MEMBERS ABSENT: NONE

RESOLUTION TO ADOPT THE 2021 COMPREHENSIVE PLAN UPDATE

WHEREAS, the Village of Sherman Board of Trustees began an update to the Village's 2006 Comprehensive Plan in October of 2019 with funding assistance from the New York State Department of Environmental Conservation, to create an updated planning document on which future investment and decision-making may be based; and

WHEREAS, the ongoing comprehensive plan update process under the direction of the Comprehensive Plan Steering Committee with assistance from the Barton & Loguidice has resulted in the May 14th Draft 2021 Comprehensive Plan; and

WHEREAS, a public open house was held for the review of such Draft Plan on March 24, 2021, at the Stanley Hose Company Fire Hall, 122 Park Avenue, Sherman, New York at 6:00PM; at which the Steering Committee received comment from the public on the Draft 2021 Plan; and

WHEREAS, a public hearing for the recommendation of adoption of such Draft Plan was also held by the Steering Committee on March 24, 2021, at the Stanley Hose Company Fire Hall at 7:00PM; at which the Steering Committee received comment from the public and recommended by resolution that the Village of Sherman Board of Trustees adopt the Draft 2021 Plan; and

WHEREAS, the Board of Trustees has reviewed and discussed the public comment received at the March public meeting and so approved editing the Draft 2021 Comprehensive Plan Update accordingly; and

WHEREAS, the Board of Trustees held a public hearing for the adoption of the Draft 2021 Plan this day at the Village Hall of the Village of Sherman at 6:00PM; hearing all public comment in favor and/or opposition to the proposed comprehensive plan update; and

WHEREAS, such public comments were overwhelmingly positive and supportive of the comprehensive plan update effort and its adoption by the Board of Trustees; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Village to adopt the Plan, recognizing that it not only identifies a unified community vision and priority

policy areas, but also provides a detailed, action-oriented framework for the achievement of such vision and policies; and

WHEREAS, the Board of Trustees of the Village of Sherman in declaring itself lead agency in this action and completing a Full Environmental Assessment Form for the purpose of SEQRA, determined that the action will not have any adverse environmental impacts on the community, its character or quality of life;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Sherman issue a negative declaration for this action with respect to SEQRA and are in favor of the adoption of the 2021 Comprehensive Plan; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Sherman hereby adopts the 2021 Comprehensive Plan and recognizes it as an official update to and replacement of the Village of Sherman 2006 Comprehensive Plan.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

On the motion of Trustee Ayers, seconded by Trustee Watson, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	Aye
Ryan Sanders, Deputy Mayor	Aye
Donna Higginbotham, Trustee	Aye
Kirk Ayers, Trustee	Aye
Dennis Watson, Trustee	Aye

The foregoing resolution was thereupon declared duly adopted this 14th day of July, 2021.

RESOLUTION PREPARED BY:

John Steinmetz, Senior Managing Community Planner
Barton & Loguidice

RES 2021-07-14.9: SEQRA – LL 1-2021 ZONING AMENDMENT

Motion to approve the Negative Declaration of SEQRA for the LL 1-2021 Zoning Amendment:

**RESOLUTION OF THE VILLAGE OF SHERMAN VILLAGE BOARD DETERMINING
THAT THE ACTION TO EXECUTE THE PROPOSED LOCAL LAW NO. 1 OF 2021
(VILLAGE OF SHERMAN SOLAR ENERGY SYSTEMS LOCAL LAW) IS AN
UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON
THE ENVIRONMENT**

WHEREAS, the Village of Sherman Village Board (the “Village Board”) is reviewing issuance of Proposed Local Law No. 1 of 2021 (Village of Sherman Solar Energy Systems Local Law) (the “Action”), which will regulate solar energy systems and related facilities within the Village of Sherman;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”), the Village Board desires to comply with SEQRA and the Regulations; and

WHEREAS, the Village of Sherman Village Board is identified as the agency directly undertaking the proposed action, and the Village Board is completing an uncoordinated review of the Action under the SEQRA Regulations; and

WHEREAS, pursuant to the Regulations, the Village Board has considered the impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the Full Environmental Assessment Form (“FEAF”) for the Action, including the facts and conclusions of Parts 1, 2 and 3 of the FEAF, together with the proposed Local Law and other available supporting information, to identify and analyze the relevant areas of concern; and

WHEREAS, the proposed adoption of the Proposed Local Law No. 1 of 2021 is an Unlisted Action, as defined by 6 NYCRR Section 617.2(al); and

WHEREAS, there is no other Involved Agency identified in connection with the issuance of the Proposed Local Law No. 1 of 2021, as that term is defined in 6 NYCRR Section 617.2(t), and, as such, no notification to other agencies is required;

NOW THEREFORE, BE IT RESOLVED, pursuant to and in accordance with the uncoordinated review requirements for Unlisted Actions in accordance with the SEQRA Regulations, the Village of Sherman Village Board hereby confirms that the proposed Action meets the criteria for classification as an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering that the Action constitutes legislative adoption of a local law and that no other approval needs to be granted to enable the proposed Action to proceed, the Village Board determines that the Action will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Action; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Village Board directs the Mayor to sign and complete Parts 1 and 3 of the FEAF for the Action, in accordance with the Regulations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

On the motion of Trustee Watson, seconded by Trustee Higginbotham, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	Aye
Ryan Sanders, Deputy Mayor	Aye
Donna Higginbotham, Trustee	Aye
Kirk Ayers, Trustee	Aye
Dennis Watson, Trustee	Aye

The foregoing resolution was thereupon declared duly adopted this 14th day of July, 2021. I hereby certify that this resolution was adopted on July 14th, 2021 and is recorded in the Meeting Minutes of the Village of Sherman Village Board.

Jeanette Ramm
Village Clerk-Treasurer

RES 2021-07-14.10: LL 1-2021 ZONING AMENDMENT re: SOLAR ENERGY SYSTEMS
Motion to adopt the proposed Village of Sherman Local Law 1-2021 Amending and Superseding Local Law No. 4 of 2020 whereby the Village of Sherman Regulates Solar Energy Systems, for the purpose of protecting the health, safety, and welfare of the residents and property owners by regulating the construction, maintenance, and placement of solar energy systems and equipment in

the Village of Sherman, effective immediately upon filing with the Secretary of State of the State of New York.

Moved by Trustee Watson Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

RES 2021-07-14.11: ELECTRIC VEHICLE CHARGING STATIONS

Motion to approve the application to NYSERDA and National Grid (and/or the NYSDEC) for the purposes of installing two Electric Vehicle Charging Stations and approve and authorize the mayor to enter into an agreement with e&b Squared Consulting LLC to provide the application services not to exceed \$2,000.

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

WWTP EQUIPMENT FAILURE – the replacement of the triple reduction drive currently leaking oil is necessary to continue sewer treatment until the completion of the WWTP Improvement Project. There were originally two units available, at the time one of units failed the Village Board discussed the options of rebuilding at \$15,000, purchasing new at \$18,000, or waiting to see if we could get by with one unit until the project’s completion. Unfortunately, the remaining unit is showing signs of imminent failure, and without redundancy of a second unit, we must purchase a triple reduction drive to finish out the remaining one and a half years of service.

RES 2021-07-14.12: WWTP – TRIPLE REDUCTION DRIVE

Motion to approve the purchase of a triple reduction drive from Kaman for the Wastewater Treatment Plant, for emergency purposes; cost may exceed \$20,000.

Moved by Trustee Ayers Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

RES 2021-07-14.13: SL SHERMAN SOLAR SEQRA – LEAD AGENCY

Motion to declare the Village of Sherman Act as Lead Agency for the SEQRA of the solar arrays for SL Sherman III and IV:

RESOLUTION DECLARING THE VILLAGE OF SHERMAN ACT AS LEAD AGENCY

WHEREAS, the Solar Liberty Energy Systems, Inc. is proposing the SL Sherman III & IV Project (Proposed Action), located within the Village of Sherman, Chautauqua County, New York, and partially within the Town of Sherman west of the Village; and

WHEREAS, the Village of Sherman has received an application and State Environmental Quality Review Act Full Environmental Assessment Form (FEAF) Part 1, submitted by Solar Liberty Energy Systems, Inc. and supporting documentation for approval of the Proposed Action (Application); and

WHEREAS, as an involved agency, the Village of Sherman has the authority to coordinate the State Environmental Quality Review Act (SEQRA) process, serve as a Lead Agency, and make a determination of significance; and

WHEREAS, the Proposed Action includes approximately 65,572 solar panels capable of producing approximately 24.25MW of power on +/- 75 acres in the Village of Sherman and site plan review; and

WHEREAS, the Village of Sherman has classified the Proposed Action as a “Type I Action” as defined by the SEQRA Regulations (6 NYCRR Part 617.4) and circulated a letter declaring its

intent to serve as Lead Agency and complete a coordinated review of the Proposed Action, together with the Application, to other potentially Interested and Involved agencies (“Letter”); and

WHEREAS, thirty calendar days have elapsed from the date the Letter was transmitted to other potentially Interested and Involved agencies, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Proposed Action;

NOW, THEREFORE, BE IT RESOLVED that, the Village of Sherman Village Board hereby establishes itself as Lead Agency for the Proposed Action.

On the motion of Trustee Higginbotham, seconded by Trustee Ayers, the foregoing resolution was put to a vote as follows:

Colleen Meeder, Mayor	Aye
Ryan Sanders, Deputy Mayor	Aye
Donna Higginbotham, Trustee	Aye
Kirk Ayers, Trustee	Aye
Dennis Watson, Trustee	Aye

The foregoing resolution was thereupon declared duly adopted this 14th day of July, 2021. I hereby certify that this resolution was adopted on July 14th, 2021 and is recorded in the Meeting Minutes of the Village of Sherman Village Board.

Jeanette Ramm
Village Clerk-Treasurer

SOLAR OPTION TO LEASE AGREEMENT – contingent upon CESIR approval.

This option to lease agreement is the same as the first Solar Arrays, however we are not the landowner yet. The land purchase is contingent on National Grid approving the property, so in this agreement we are the ‘facilitator’ not the ‘owner’. Other than that, the agreement is the same. The benefit of doing this now is that once the first CESIR is approved, it allows Solar Liberty to find a third party to start working on the contracts (rates and payment schedules) relating to the energy product itself.

RES 2021-07-14.14: SOLAR – OPTION TO LEASE AGREEMENT (SOLAR ARRAY III)

Motion to approve the Option to Lease Agreement between Solar Liberty and the Village of Sherman for purposes of establishing an additional Community Solar Array (SL Sherman III); and authorize the mayor to sign all related documents for properties 311.00-2-6 and 311.00-2-27.

Moved by Trustee Sanders Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

SOLAR OPTION TO LEASE AGREEMENT – land purchased for stormwater project.

This option to lease agreement is the same as the first Solar Arrays; we are in the process of closing on the property. The land purchase is NOT contingent on National Grid approving the property.

RES 2021-07-14.15: SOLAR – OPTION TO LEASE AGREEMENT (SOLAR ARRAY IV)

Motion to approve the Option to Lease Agreement between Solar Liberty and the Village of Sherman for purposes of establishing an additional Community Solar Array (SL Sherman IV); and authorize the mayor to sign all related documents for properties 311.00-2-9.

Moved by Trustee Watson Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

Motion to move into Executive Session at 7:38pm to discuss a contractual issue, with no action to be taken following the executive session.

Moved by Trustee Watson Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Motion to exit executive session and adjourn the meeting at 8:06pm

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Respectfully submitted,

Jeanette Ramm

Clerk-Treasurer

Next Meeting: Regular Board Meeting August 4th, 2021 at 6pm