

**REGULAR MEETING, PUBLIC HEARING ON THE PRELIMINARY BUDGET
AND PUBLIC HEARING REGARDING LOCAL LAW NO. 5 OF 2020 TO
OVERRIDE THE TAX LEVY LIMIT**
Nov. 5, 2020

A regular meeting of the Town of Sherman Board was held on Thursday Nov. 5, 2020 at the Town of Sherman Highway Building, 111A Mill St, Sherman, NY, Chautauqua County, New York at 7:00 PM.

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

Guests: Greg Rater – Town Resident

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

- Town Resident Greg Rater updated the Town Board on a meeting that he had with Chautauqua County Soil and Water. Greg felt it was a positive meeting with them.

APPROVAL OF MINUTES

RESOLUTION #50

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

RESOLUTION #51

ABSTRACTS/CLAIMS

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to approve payment of General Claims #136 through #152 in the amount of \$12,543.55. Highway Claims #115 through #130 in the amount of \$24,662.10. MOTION CARRIED.

JUDGE'S REPORT

Judge Neal's Oct. report shows fines of \$2177.00 Civil fees of \$140.00 and surcharges of \$1841.00 for a total of \$4158.00. Judge VanVolkenburg's Oct. report shows fines of \$1535.00, civil fees of \$15.00 and surcharges of \$558.00 for a total of \$2108.00.

CLERK/REGISTRAR'S REPORT

Clerk Weise presented the following to the Town Board:

- Clerk Weise has found an online link that she will send to each Board member/employees to watch the video, answer questions and print certificate and then turn into The Town Clerk. NO CHARGE.

- The State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments on August 1, 2020. Need to pass the following Resolution:

RESOLUTION #52

Supervisor Mark Persons made the motion, seconded by Councilman Ben Nickerson to pass the following Resolution in regards to the LGS-1 retention:

RESOLVED, By the Town Board of Sherman NY (local) government that Retention and disposition Schedule for New York Local Government Records (LGS-1) issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

MOTION CARRIED

ASSESSOR'S REPORT

November Assessor Report:

- There were 4 deeds recorded in September.
- Exemption Renewal Applications have been mailed, and are due back by March 1, 2021
- The Assessment database is being prepared to send to the Chautauqua County Real Property Tax Office to print the Town/County tax bills. All deeds that have been filed since the school tax file was sent must be entered, as well as any address changes that have been requested by property owners. The database will be sent to the county by November 16th.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Sweatman brought to the Boards attention that The Village of Sherman has placed their old pay loader on Auctions International. As of today (11/5) the minimum bid is only at \$25,000. Dennis said he hates to see it go for such a low bid as it would be beneficial for the Town to purchase it.

RESOLUTION #53

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump for Highway Superintendent to place a maximum bid of no more than \$60,000 for

the pay loader and that Supervisor Persons will make arrangements for The Town of Sherman to take out a loan to cover the cost. MOTION CARRIED.

SUPERVISOR REPORT

Supervisor Mark Person presented the Board with the following:

Public Hearing Local Law 5-2020

- Supervisor Mark Persons opened the Public Hearing on Local Law No.4 of 2020 in regards to override the Tax Levy Limit Established in General Municipal Law Section 3-C. No one from the Public attended the meeting. Mark went over the details of the law. Discussion was held and questions answered concerning the law.

RESOLUTION #54

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to adjourn the Public Hearing and adopt Local Law No. 5 of 2020.

MOTION CARRIED

Town of Sherman

Local Law No. 5 for the year 2020

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Be it enacted by the Town of Board of the Town of Sherman, County of Chautauqua, and State of New York, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sherman, County of Chautauqua, pursuant to General Municipal Law § 3-c, and to allow the Town of Sherman, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Sherman, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Preliminary Hearing on 2021 Budget:

RESOLUTION #

After no further discussion of the Preliminary Budget Councilman James Higginbotham made the motion, seconded by Councilwoman Bessie Endress to adopt the Preliminary Budget as the Final Budget. MOTION CARRIED.

SUPERVISOR REPORT

Supervisor Mark Person presented the Board with the following:

- Mark has spoken to Sandy Kochanowski and with the Boards approval is still planning to keep the position of Town of Sherman Dog Control Officer. All agreed that she has done a good job and to have her continue.
- The 2020 4th Quarter Sales Tax check came in today 11/5/2020 higher than the 2019 4 Quarter.
- Mark wanted it noted that the 2021 Youth Budget will be taken out of the existing Youth Budget Fund Balance due to the unknown 2021 youth programs due to COVID 19.
- Mark brought to the Boards attention that each municipality is required to hold a Public Hearing regarding the granting of a cable television franchise agreement by and between the Town of Sherman and Spectrum Northeast, LLC and indirect subsidiary of Charter Communications.

RESOLUTION #55

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson to set the Public Hearing on the Cable Television Agreement Between Spectrum Northeast, LLC and the Town of Sherman for December 3, 2020 at 7:05 p.m. at The Town of Sherman, 111A Mill St., Sherman, NY 14781. MOTION CARRIED.

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to adjourn the regular Board Meeting.

MEETING ADJOURNED AT 7:50 p.m.

Respectfully Submitted,

Tamera M Weise
Sherman Town Clerk