

REGULAR MEETING, PUBLIC HEARING REGARDING
LOCAL LAW NO. 3 OF 2023
“A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR
VOLUNTEER FIREFIGHTERS & AMBULANCE WORKERS PURSUANT TO
SECTION 466-a OF THE REAL PROPERTY TAX LAW”
The Town of SHERMAN
May 4, 2023

A regular meeting of the Town of Sherman Board was held on Thursday, May 4, 2023 at the Town Office Building, 111A Mill St, Town of Sherman, 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
	Brant Henning	Council Member
	Dennis Sweatman	Highway Superintendent
	Tamera M Weise	Town Clerk

Absent: Ben Nickerson - Council Member

Guests: Greg Osman – CEO, Marty Proctor – County Legislator, Jared Oehlbeck & Carrie Yohe – Sherman Central School Representatives

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

- SCS Capital Project Presentation

Supervisor Persons welcomed Carrie Yohe, the Superintendent of Sherman Central School, and Jared Oehlbeck, the Director of Facilities.
A copy of the Sherman CSD Proposed Future Capital Project was given to everyone present. Ms. Yohe and Mr. Oehlbeck went through each slide explaining the most critical needs, proposed rearrangement of classrooms, including the cafeteria, and additions to the school buildings along with details of the estimated costs, and then answered questions.

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

Number of inspections for March 22
Number of inspections this year is 43
Number of Permits issued for March 4
Number of Permits for this year is 8
Dollar Amount of Permits for March \$300,000
Dollar amount of Building this year are \$635,000
Miles traveled for March 128

Permits issued to:

William Kuhns, Rt 76 for a barn
Brant Henning, 8818 Rt 430 for a roof
John Burkholder 3431 Stebbins Rd for a house and barn

Number of inspections for April 15
Number of inspections this year is 58
Number of Permits issued for April 4
Number of Permits for this year is 12
Dollar Amount of Permits for April \$137,000
Dollar amount of Building this year are \$772,000
Miles traveled for April

RESOLUTION #23

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to approve the minutes from the last board meeting. MOTION CARRIED

RESOLUTION #24

ABSTRACTS/CLAIMS

Councilman Howard Crump made the motion, seconded by Councilman Brant Henning to approve payment of General Claims #62 through #77 in the amount of \$16,678.91 , Highway Claims #431 through #43 in the amount of \$10,475.58, and Youth Claims #2 in the amount of \$632.92. MOTION CARRIED.

JUDGE'S REPORT – No Report

CLERK/REGISTRAR'S REPORT

- Thank you note was received from The Minerva Library Board and Staff thanking the Town of Sherman for their contribution.

ASSESSOR'S REPORT – No Report

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Dennis Sweatman presented the following to the board:

- Sherman Central School Ag Teacher, Kelly Maleski contacted Dennis in regards to the FFA kids taking on the project of cleaning up and fixing the Titus Rd monument. She asked if the town could help by removing the stumps and taking away the sod. Dennis got a quote from Matt Oehlbeck in the amount of \$400 to grind up the stumps.

RESOLUTION #25

Councilman Howard Crump made the motion, seconded by Councilman Brant Henning to have Matt Oehlbeck remove the stumps at a cost of \$400 and to have the Sherman Ag Class to landscape around the monument on Titus Rd. MOTION CARRIED

SUPERVISOR

Supervisor Mark Persons brought the following to the Boards attention:

- **GRIEVANCE DAY**

RESOLUTION #25

Councilman Howard Crump made the motion, seconded by Councilman James Higginbotham that the 2023 Grievance Day for the Town of Sherman is set for Wed. May 24th from 4:00 – 8:00 p.m. in the Accessors Office at the Findley Lake Community Center, 2883 North Rd, Findley Lake, NY 14736. MOTION CARRIED.

RESOLUTION #26

Councilman James Higginbotham made the motion, seconded by Councilman Brant Henning to make the following amendments to the General portion of the 2023 Budget. To increase A8810.2 Cemetery Equipment to \$10,500. Increase A3005 Mortgage Tax from \$10,000 to \$17,000, and move \$2,500 from A1990.4 Contingency to A8810.2 Cemetery Equipment. MOTION CARRIED.

Supervisor Mark Persons – AYE
 Councilman James Higginbotham - AYE

Councilman Howard Crump - AYE
 Councilman Brant Henning - AYE

RESOLUTION #27

Councilman James Higginbotham made the motion, seconded by Councilman Brant Henning to close the regular meeting and open the PUBLIC HEARING LOCAL LAW NO. 3 FOR THE YEAR 2023 “A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW” MOTION CARRIES.

- Discussion / Adoption was held on Local Law No. 3 of 2023. It was determined that the timeline of service for those who qualify for the tax exemption and that it would be determined by the fire dept. as to who is active and qualifies:

RESOLUTION #28

Councilman Brant Henning made the motion, seconded by Councilman James Higginbotham to accept Local Law No. 3 FOR THE YEAR 2023, A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW and to close the Public Hearing and return to the regular Town Board Meeting.

Town of SHERMAN

Local Law No. 3 for the year 2023

A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW

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. Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Sherman as long as eligibility requirements are met.

SECTION 2. Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes;
- D. The volunteer firefighter or volunteer ambulance worker resides in the Town of Sherman and the Town of Sherman is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Sherman, which is hereby established as two years, and is a member in good standing with the fire department or ambulance service.

SECTION 3. Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Sherman, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Sherman must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

SECTION 4. Certification.

Either the Board of Fire Commissioners or the Chief of each fire department serving the Town of Sherman must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

SECTION 5. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

SECTION 6. Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Sherman.

SECTION 7. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

SECTION 8. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

SECTION 9. Severability.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 10. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

MOTION CARRIED.

Supervisor Mark Persons – AYE
Councilman James Higginbotham - AYE

Councilman Howard Crump - AYE
Councilman Brant Henning - AYE

- Discussion was held on Solar Battery regulations.

RESOLUTION #29

Supervisor Mark Persons made the motion, seconded by Councilman Brant Henning to hold the Public Hearing for Local Law No 4 of 2023, A LOCAL LAW ENACTING REGULATIONS FOR BATTERY ENERGY STORAGE SYSTEM on Thurs., June 1, 2023 at 7:00 p.m. **MOTION CARRIED.**

Councilman James Higginbotham made the motion to adjourn the meeting.
MEETING ADJOURNED AT 8:15 p.m.

Respectfully Submitted,
Tamera M Weise
Sherman Town Clerk