

VILLAGE OF SHERMAN

MINUTES OF THE PUBLIC HEARING OF THE 2020 CDBG PROGRAM PROJECTS, PUBLIC HEARING OF THE PROPOSED BOND RESOLUTION - TRUCK, PUBLIC HEARING OF THE 2023 CDBG PROGRAM PROPOSED APPLICATION, MEETING OF THE MUNICIPAL ZONING BOARD, AND REGULAR MEETING OF THE BOARD.

Wednesday, June 14, 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, Dennis Watson, and Gary Emory; Chief Operator Jay Irwin; Clerk-Treasurer Jeanette Ramm; Resident Georgia Peck; Josh Freifeld of CHRIC, and the press were in attendance.

RES 2023-06-14.1: MINUTES

Motion to accept the previous minutes of the Annual Reorganizational and Regular Meeting of the Village Board of Trustees held May 17, 2023.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the Public Hearing on the Closing of the 2020 CDBG Program Grants.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

PUBLIC HEARING OF THE 2020 CDBG PROGRAM GRANTS

The Community Development Block Grant Program is the award of Federal funding from the US Department of Housing and Urban Development HUD that is administered by the New York State Office of Community Renewal (NYSOCR), also known as the NYS Department of Homes and Community Renewal (NYSHCR).

This community funding provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefiting low/moderate income persons. In the 2020 CDBG Program Year, 49M was made available for these purposes.

Sherman Housing Rehabilitation Project #1071HR118-20

2020 CDBG Housing Rehabilitation Program Grant Award of \$488,250 is locally administered by Chautauqua Home Rehabilitation & Improvement Corporation CHRIC. Joshua Freifeld, the Executive Director of CHRIC, gave an update on the project via zoom. He explained that due to the unexpected passing of the project coordinator, CHRIC's Director of Housing Rehabilitation Services, Eileen Powers, and additional lead and asbestos test requirements, there have been cost increases and time delays to the project and the completion date will need to be extended. Each trustee was given paperwork with the details of the costs and project breakdown for each of the seven properties. Mr. Freifeld went through the project details including demographics, AMI (area

median income), female head of household, and other qualifying criteria of the grant for each property that was awarded.

- The \$488,250 grant award consists of \$400,500 for Housing Rehabilitation, \$24,500 in grant administration, and \$63,500 in program delivery.
- None of this funding is retained by the Village of Sherman municipality.
- Of the 7 Housing Rehabilitation Projects being done in the village - 4 are complete, 1 is nearly complete, and 2 are under contract.
- The completion deadline of June 23, 2023, will need to be extended by two months.

In response to a question, Mr. Freifeld spoke about contractors' liability, insurance and warranties. He concluded by stating that because we still have applicants in the queue, CHRIC would like to apply for an additional round on behalf of the Village of Sherman. The mayor added that Eileen Powers would usually require more than double the required applications because the process takes a year and applicants could move, have a change in household income or size, etc., and these things affect their qualifying criteria. Mr. Friefeld said the applicants waiting from the last round would be considered first, and with additional applications we should have 7 to 8 qualifying households for the new program year.

Sherman WWTP Improvement Project #1071PR117-20

2020 CDBG Co-Funded Infrastructure Grant Award of \$1,250,000 as part of a \$7 Million upgrade to the 44-year-old Wastewater Treatment Plant, of which, the entire \$1,250,000 grant was applied to construction costs. The new wastewater treatment plant operating system officially went online today, providing sanitary sewer service to the residents of the Village of Sherman Sewer District. The project's substantial completion of the overall WWTP project is scheduled for 6/30/2023, with final completion by end of July 2023.

This project began with the 2018 CDBG Community Planning Grant of \$50,000 for the Comprehensive Sewer Assessment Study resulting in the Preliminary Engineering Report leading to the grant awards of \$2,265,000 from USDA Rural Development, \$871,250 in Water Infrastructure Improvement Act (WIIA) grant funds from the NYS Environmental Facilities Corp., and the \$1.25M from the 2020 CDBG (co-funding) Infrastructure Program.

The mayor gave a presentation of the WWTP upgrades with a slideshow (attached at the end of the minutes) where the chief operator detailed all the improvements including 5 new blowers, one for each digester and basin, and a spare. These replace the old blower which was temporarily outside making a noise. The presentation included the Master Control Center (MCC), flex rake, washer compactor, Sequence Batch Reactor (SBR), and the UV system. We previously used chlorine for disinfection and sodium bisulfite for dichlorination, but now we'll treat the effluent without chemicals, just using ultraviolet. The UV and disc filters are in the public works building, whereas all the other equipment is in the new building. The screw press should be ready by the end of July. In response to a question, it was noted that the new plant is designed to process 95,000 gallons per day.

The mayor was happy to report that our final figures for each household for the closing sewer project will average \$834 per year for 2023 and \$870 per year for 2024, which is less than South and Center's \$930 projection for phase one of their sewer upgrades. Since we are fully operational as of

today (the wastewater system is being fully utilized by the residents) CDBG considers this project closed. USDA-RD and the EFC look at substantial completion, which includes all the punch list items, so completion for those funding agencies will likely be pushed out to August. This does not push out repayments for the long-term financing which is tentatively scheduled for August 8th.

Motion to close the public hearing on the 2020 CDBG Program Grants and enter into the Public Hearing of the Proposed Bond Resolution.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

PUBLIC HEARING OF THE PROPOSED BOND RESOLUTION

USDA - Rural Development Community Facilities Program Loan/Grant Application for a Truck with a Plow (15-year Bond)

The Village of Sherman has filed an application for funding consideration with USDA RD (Rural Development) under the Community Facilities Program for streets equipment including a truck with a plow. If awarded, the estimated project cost of \$61,000 will be funded by the USDA RD Community Facilities' grant/loan program, involving a 15-year bond with Rural Development.

The Village has received the Rural Development letter of eligibility for estimated funding:

Estimated Rural Development Loan (3.75% for 15-years)	\$37,900
Estimated Rural Development Grant	\$20,000 (33% of project cost)
Village Contribution	\$ 3,100

This is NOT the award letter, that will be officially announced in the Fall of 2023 depending on current interest rates and funding availability. In the interim, the Village proposes to adopt the \$61,000 bond resolution for the full cost of the project, with the anticipated (but not guaranteed) debt service of \$37,900.

Motion to close the public hearing on the proposed bond resolution and enter into the Public Hearing of the 2023 CDBG Program App.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

PUBLIC HEARING OF THE PROPOSED 2023 CDBG PROGRAM APPLICATION(S)

The Community Development Block Grant Program is the award of Federal funding from the US Department of Housing and Urban Development (HUD) that is administered by the New York State Office of Community Renewal (NYSOCR), also known as the NYS Department of Homes & Community Renewal (NYSHCR).

This community funding provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefiting low/moderate income persons. The 2023 CDBG Program Year will provide \$49M in funds for these purposes.

**CDBG co-funding Infrastructure Grant of \$1.25M for the
Village of Sherman Stormwater Infrastructure Improvement Project
Main Street Infrastructure Improvement Phase**

This estimated \$2M project is part of a greater \$5M Stormwater Improvement Project initiative. The 2019 CDBG Community Planning Grant of \$50,000 for the Comprehensive Drinking Water Improvement and Stormwater Improvement Study resulting in the Preliminary Engineering Reports for both the \$2.4M Drinking Water Improvement Project and the Stormwater Infrastructure Improvement Project, led to the SEQR and securing the USDA Rural Development financing of \$3.5M at a rate of 1.25%.

To meet the conditions of the award the Village of Sherman will need to commit to surveying and engineering the Main Street phase of the project prior to notice of the award in order to be ready to go to bid and be under construction by May of 2024, as the CDBG Program requires. The \$1.25M in CDBG grant award would be used strictly for construction.

The Consolidated Funding Application (CFA) for CDBG Program Grants, and all other program applications through the CFA, are due on July 28, 2023. The anticipated CDBG award should be announced in October of 2023; and construction must begin by May 2024.

Motion to close the public hearing of the CDBG Program and enter into the meeting of the Municipal Zoning Board at 6:40pm.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

No proposed motions at this time.

Enforcement Officer Updates:

189 West Main, 170 Park and 174 West Main Streets are still being addressed and our local counsel is getting permission from the District Attorney to act as our prosecutor in a formal capacity as we take these cases to court. He did receive a notification allowing him to act in this capacity, but it was addressed to the Town of Sherman, so we are just waiting for this to be corrected. The house at 174 West Main had a second condemnation notice (not from the village) attached to it and it is believed that a mortgage company gave the notice.

Mr. Gormley is also working on a village tree inventory, tree safety, and getting quotes to remove unsafe trees for our application to the DEC Urban and Community Forestry Grant which is due in August. This is a tree maintenance and planting grant, which we will apply to assist residents with tree maintenance, trimming and cutting down trees to the roots. We are still looking into what trees qualify. Trees are the responsibility of the property owner, and the grant requires a 25% match from the property owner which is a significant saving. Instead of spending \$4,000 to remove a tree it would cost the owner \$1,000.

ZONING BOARD OF APPEALS - The next ZBA hearing/meeting is scheduled for Thursday, June 15, 2023, at 6:30pm. Items on the agenda will include 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.

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

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- Kaitlyn Lindsay is working temporarily doing laboratory work at the WWTP for a couple of hours a day until we can hire a new employee.
- We have received a lot of applications which will be screened, and interviews set up as soon as possible.

WATER

- Northrup came back to reseed and regrade the driveway. It looks like they haven't missed anything other than Osborne and Cornish Streets, which we will contact them about coming to reclaim. Mr. Irwin asked if anyone had seen anything else they had missed before we close out the contract.
- Mr. Van Geisen is personally hooking his property into the new water system. We laid water pipes up to the curb stop, which was as far as we could go on to his property. This is standard practice; the municipality doesn't usually connect the lateral lines which is how it will be going forward.
- It was noted that the Post Journal reported that South and Center's new project was going to cost residents \$930 per year for sewer and that didn't include the initial hook up to the system, which was an additional cost to each household.

STREETS

- The volleyball courts are installed and have been seeded. Cris Loutzenhiser (owner of the Cooler Bar & Grille) is going to make a donation to cover the sand. Fifteen loads of soil were used, and we appreciate his generosity. Peter Clark is finalizing the donation of the property since the volleyball courts lie on the land being donated to the village and land still owned by Duane Woods. Our attorney is working with Mr. Woods and the mortgage holder to create an easement for the life of the volleyball courts. If at any time the volleyball courts no longer exist, the easement will fall away. This works similarly to how we insure and hold liability insurance for the trails that run through the village.
- The new owners of the Turner property are in favor of the trail and have agreed to sign the easement for the portion of Rails-to-Trails that crosses their property. Peter Clark is redoing the paperwork from Florence Turner into the new owners' names, and we should have that completed soon.
- The restrooms at Edmunds Park are waiting for the dig notice before they can connect the water and sewer lines. It will be stainless steel and ceramic tile which are easy to clean. The address is confirmed as 125 Creekside Lane so the electricity can now be installed.

- The holes in front of the Dollar General where Morris Street intersects with the parking lot are on the Dollar General property and actually the responsibility of the Dollar General. Doug Crane is looking at helping out with the repairs, but it is not the Village's responsibility.
- Now that the Town's truck is operational, they should be finishing up in Ripley, and then we would like to coordinate with them to finish the upper part of Church Street and Columbia Street. Georgia Peck asked if the end of Church Street which intersects with Main Street would be fixed before Sherman Day. Although the lower part of Church Street doesn't look great, it is filled with gravel and usable, while the unseen upper part of Church Street is really bad and needs more immediate work.

CAPITAL PROJECT UPDATES

WATER

- The door locks don't work properly at the Water Treatment Building, they don't slide smoothly and need to be fixed before the close of the project. We've spent a lot of money and these things should work properly.
- The project is closing, after which a final presentation will be given at a future meeting.

SOLAR

- On May 23, 2023, the CCIDA approved the PILOT (Payment in lieu of Taxes) for the SL Sherman and SL Sherman II (solar projects). The meeting can be found on the Village website under 'Village Community Solar', along with other information on the project.
- The village is allowing Solar Liberty to use water from the hydrant to keep the dust at a minimum.

NYMS AWARD

- We are currently getting quotes for the Walkway Awning Project. A motion to solicit bids for the electric and sound is on the agenda for this meeting.
- All decisions for the style, color, aesthetics, etc., is being made by the Steering Committee.

CCPEG AWARD

- GOBike hosted an interesting webinar about the Complete Streets Initiatives for downtown Sherman to promote safety, keep people from parking where they shouldn't, slow traffic, promote bike safety, etc. Unfortunately, there are no regular intersections in downtown Sherman to accommodate a traffic circle which is a wonderful traffic calming tool. The next step is for GOBike to come here and do an in-person Complete Streets Workshop, including a walk through the village to identify safety concerns, signage, lighting issues, etc. We will need residents and business owners to attend to discuss safety issues and potential solutions, and it'll take roughly an hour.

EV Charging Stations – The charging stations were delivered earlier this year and are in storage. We are currently waiting for the Eaton electric panel to be installed and then the equipment will be connected.

PRESERVE NY GRANT – Congratulations to the Sherman Historical Society who was awarded the Community Impact Grant from the Chautauqua Region Community Foundation for \$20,000 to be used toward Sherman's Yorker Museum Restoration Project and the Historic Structure Report.

\$14,000 will go to contractors and the other \$6,000 will be used by the Village to cover the local match if we are awarded the Preserve NY Grant, which is yet to be announced.

COMMITTEE UPDATES

- **Chautauqua County Water & Wastewater Cooperative** - no updates as both the mayor and chief operator were unable to attend the last meeting.
- **Steering Committee** - will be scheduled to meet to make decisions on the contractor selection for the electrical and sound appointments, and to choose the lighting, color, style and posts on awning, etc.
- **Parks Committee** – there has been a lot of work done at Edmunds Park installing the volleyball courts and preparation for the bathrooms; we have been cutting down and clearing dead trees at the Nature Center (Dog Park). The kiosk which was donated by the Chautauqua Lake School students is going to be erected at the Rosie Billquist trailhead. The students were going to do this but ran out of time and now the school year has ended so Doug Crane will put it up tomorrow. This kiosk can hold maps and informational flyers.
- **Sherman Historical Society** – discussed as part of the Preserve NY grant report (above).
- **Friends of the Chautauqua County Greenway (FCCG)** - held their open house on May 30, 2023. One of the topics discussed was horses on the trail, which has come up with property owners, i.e., if horses are allowed, will horse and buggies also use the trail?

MAYOR

- **Memorial Day** - After the survey done last year, the event started at 10am. Pastor Scott Linden of the Sherman Community Church, Town Supervisor Mark Persons, the SCS Band, Stanley Hose Fire Company, the SHLA (memorial bows), and our veterans all participated. Mark Persons, the main speaker, did a great job speaking about the history of Sherman and tying it into Sherman's military and patriotic roots. Attendance was a little low, perhaps because of the new time, but it would be good if another organization could take over organizing the event since our local veterans are no longer doing it.

CHAMBER OF COMMERCE

- The current fund raiser is decorating a gnome, which will all be displayed along Main Street and voted for on the Chamber's Facebook page.
- The Chamber is working hard preparing and organizing musicians and vendors for the upcoming Music Festival in September. They have decided to get sponsorship to cover the cost of the bands and do away with the cover charge in the hopes of drawing more people.
- The Green Heron is assisting with providing hay bales for people to sit on.

PUBLIC PARTICIPATION

The end of Church Street, pavements, and Sherman Day were discussed, but with limited employees, shared equipment, and other more pressing concerns, no date was committed to complete it.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (06/13/2023) is \$238,807.31 & book balance \$181,604.88

NYS Fund Bank Account: Balance (06/13/2023) is \$48,065.50 & book balance \$44,465.50

Sewer Project Bank Account: Balance (06/13/2023) is \$208,360.53 & book balance 36,493.71

Water Project Bank Account: Balance (06/13/2023) is \$1.96 & book balance (\$200,842.55)

Stormwater Project Account: Balance (06/13/2023) is \$22.72
Parks Fund Account: Balance (06/13/2023) is \$26,061.08 & book balance \$19,229.50
Climate Smart Account: Balance (06/13/2023) is \$136,854.48
Capital Reserve Account: Balance (06/13/2023) is \$13,644.06
Debt Service Account: Balance (06/13/2023) is \$41,403.22
CD Account: Balance (06/13/2023) is \$0
CD Transfer: N/A
Account Adjustments: N/A

As part of the report on receipts, Clerk Ramm stated that 129 West Main Street had officially sold and no longer belonged to the Village.

RES 2023-06-14.2: VOUCHER #1 2024

Motion to accept Voucher #1 for \$964,422.77 for May 2023, of which \$2,600 is from the NYS Special Fund, \$171,866.82 is from the Sewer Project Fund, \$200,844.51 is from the Water Project Fund, \$6,831.58 is from the Parks Fund, \$0 is from the Stormwater Project Fund and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

LAND LEASE UPDATE

The Village will begin the collection process on the Nickerson Farms unpaid use of the properties along Rt 430 during the 2021 and 2022 seasons.

ARPA

With the Sherman Historical Society's CRCF award of the \$20,000, the Village match of \$6,000 toward the Preserve NY grant is covered. With the participation of GOBike in the Complete Streets Planning Grant, Barton and Loguidice kept the contractual agreement to \$12,000, which is the reimbursable award amount the Village has received from CCPEG. Therefore, the balance of the ARPA is available for the I-86 Light Project, potentially 4–6 lights.

OLD BUSINESS:

None.

NEW BUSINESS:

RES 2023-06-14.3: BOND RESOLUTION USDA RD TRUCK W/ PLOW 15 YR

Motion to adopt the Bond Resolution for the Streets Equipment Project in the amount of \$61,000 for a term of 15 years for purchase of a truck with a plow.

Trustee Watson presented the following resolution and duly moved that it be adopted and was seconded by Trustee Emory:

BOND RESOLUTION DATED JUNE 14, 2023 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF A WORK TRUCK, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN

CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of the acquisition of machinery or apparatus authorized to be undertaken by the authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the proposed action hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts in that the purpose consists of the purchase of equipment, and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Sherman shall undertake the acquisition of a 2024 Chevrolet Silverado 2500HD 4WD Double Cab 149" Work Truck, with plow, which may include costs incidental thereto (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$61,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$61,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 28 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format,

all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Sherman.

Section 7. The faith and credit of the Village of Sherman, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Sherman together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Sherman, pursuant to Section 36.00 of the Local Finance Law.

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

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Absent</u>

The foregoing resolution was thereupon declared duly adopted this 14th day of June, 2023.

RES 2023-06-14.4: BOND RESOLUTION RD BUILDING RENOVATION CLASS B 15 YR
Motion to adopt the Bond Resolution for the Buildings Restoration Project in the amount of \$115,000 for a term of 15 years for the conversion of the WWTP Drying Beds to equipment storage at 30 Hart St, replace windows in the Public Works Building, the Village Hall at 111 Mill St, and the Cold Storage Building located off of Cornish St.

Trustee Emory presented the following resolution and duly moved that it be adopted and was seconded by Trustee Sanders:

**BOND RESOLUTION DATED JUNE 14, 2023 OF THE VILLAGE BOARD
OF TRUSTEES OF THE VILLAGE OF SHERMAN, NEW YORK,
AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO
FINANCE BUILDING RECONSTRUCTION WITHIN THE VILLAGE,**

AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of building reconstruction authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the proposed action hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts in that the purpose consists of the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Sherman shall undertake reconstruction of buildings, including, without limitation, a new storage shed at the wastewater treatment plant, exterior reconstruction at the cold storage building and at the Village hall, window replacement at the Public Works building (each such building being a class “B” (fire-resistant) building as defined in Subdivision 11 of Paragraph a of Section 11.00 of said Local Finance Law), and other incidental improvements that may be required in connection therewith for such reconstruction and Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$115,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$115,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivisions 4 and 12 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to fifteen (15) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Sherman.

Section 7. The faith and credit of the Village of Sherman, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Sherman together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Sherman, pursuant to Section 36.00 of the Local Finance Law.

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

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Absent</u>

The foregoing resolution was thereupon declared duly adopted this 14th day of June, 2023.

RES 2023-06-14.5: ENDORSEMENT OF CFA APPLICATION TO CDBG

Resolution by the Village of Sherman Trustees approving and endorsing the Village of Sherman in its application to NYS Office of Community Renewal for funding under the Community Development Block Grant (CDBG) Program.

WHEREAS, the Village of Sherman desires to apply for \$1,250,000 in financial assistance through the 2023 Consolidated Funding Application (CFA) under the Community Development Block Grant (CDBG) Program for Co-Funding Infrastructure Grant Funds; and

WHEREAS, the application proposes funding for construction of the Village of Sherman Stormwater Improvement Project Main Street Infrastructure Improvements; and

WHEREAS, the proposed funding will contribute to this estimated \$2M phase of the greater estimated \$5M Comprehensive Stormwater Improvement Project in an effort toward ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Sherman Board of Trustees of the Village of Sherman approves and endorses the application to the 2023 Community Development Block Grant (CDBG) Program for assistance, prepared and to be submitted by the Village of Sherman.

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

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Absent</u>

The foregoing resolution was thereupon declared duly adopted this 14th day of June, 2023.

RES 2023-06-14.6: RFQ – REQUEST FOR QUOTES – AWNING – ELECTRIC

Motion to accept the clerk’s submission of the Electric and Sound Scope of Work advertisement for bids, for the Walkway Awning Project under the NYMS Project, through “The Builders Exchange of the Southern Tier” (Build NY Online Plan Room), due June 22, 2023, (to be selected by the Steering Committee), description of scope posted as follows:

This estimate is to remove the old side lights under the awnings along Main Street, and purchase and install new electrical wiring and 18 new pendant lights, 18 new recessed can lights, 11 new receptacles and 12 new speakers. This estimate needs to include the whole section under the awning covering the North side of Main Street and all the sections covered by awning along the South side of Main Street. It will include running all the pendant lights on a photocell so they would come on every night. The can lights would be connected to a separate photocell or switch. The estimate needs to include running electrical from the village’s current electrical panel at 114 West Main Street and running it along the streetlights to cross the road and feed the North side of the street. The estimate also needs to include the purchase and installation of the sound system to be located at 121/123 West Main Street and running the wires to the speakers.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2023-06-14.7: RFQ – REQUEST FOR QUOTES – MUNICIPAL BLDG REPAIRS

Motion to approve the clerk to submit advertisements for bids, for two of the three municipal buildings requiring façade restoration, through “The Builders Exchange of the Southern Tier” (Build NY Online Plan Room):

30 Hart Street – WWTP Drying Bed – remove existing exterior, replace with metal roof and metal siding on three sides.

111 Mill Street – Village Hall – new metal siding, repair or replace windows as needed (up to 10 windows), repair or replace the cement entry and ramp, clean & repair or replace soffit and fascia as needed

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

RES 2023-06-14.8: STORMWATER ENGINEERING AGREEMENT – B&L

Motion to approve the engineering agreement with Barton & Loguidice for pre-construction engineering of the Village of Sherman Stormwater Improvement Project, Main Street Infrastructure Improvement Phase, and approve and authorize the mayor to sign the agreement for engineering through final design and bidding services not to exceed \$125,000. (*This contract amount does not include the construction and post construction engineering services.*)

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

RES 2023-06-14.9: WWTP REVISION OF FORM E #9

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 14th day of June, 2023, at 6:00 o'clock p.m., the following resolution was offered by Trustee Emory who moved its adoption, seconded by Trustee Sanders, to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting Revisions to the “Village of Sherman Wastewater Treatment Plant Improvements Project”, Capital Project as administered through USDA Rural Development. The Village Board hereby modifies the following Administrative and Construction budget items to the upcoming Form E #9:

A.7 Single Audit to be decreased by \$3,000.00

And

A.4 Fiscal Coordination to be increased by \$3,000.00

The reason for these modifications is to update the allocation of costs associated with the project.

THIS BUDGETARY MODIFICATION RESULTED IN NO CHANGE TO THE TOTAL BUDGET.

WHEREAS, the Village of Sherman, Village Board has reviewed the Form E Capital Outlay Budget category and,

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on June 14, 2023, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Absent</u>

The foregoing resolution was thereupon declared duly adopted this 14th day of June, 2023.

RES 2023-06-14.10: WWTP – FISCAL ADVISOR CONTRACT AMENDMENT

Motion to approve the amendment of the Fiscal Advisory Services Agreement for the retainment of Fiscal Advisors & Marketing, Inc., as the financial advisors for the purpose of financial advisory

services for the Village of Sherman's Wastewater Treatment Plant (WWTP) Improvement Project, and authorize the mayor to sign the agreement for services not to exceed \$21,000 over the course of the project, (*amending the previous not to exceed amount of \$18,000*).

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2023-06-14.11: B&L JULY CFA STORMWATER GRANT APPLICATIONS

Motion to approve and authorize the mayor to engage Barton & Loguidice for the purposes of providing engineering and planning services for the Village of Sherman's Stormwater Improvement Project re-application to the NYSEFC Green Innovation Grant Program GIGP and NYSDEC Climate Smart Communities CSC through the upcoming July Consolidated Funding Application CFA; and most critically applying through the CFA to the NYSHCR Community Development Block Grant CDBG for Stormwater Infrastructure (eligible with the 6/14 activation of the WWTP).

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2023-06-14.12: WATER PROJECT – CHANGE ORDER #6 – CLOSE OF PROJECT

Motion to approve the sixth change order with contractor J.D. Northrup for the Water Improvement Project, (*with the final review of the Drinking Water Improvement Project by B&L Engineer Matt Zarbo, Mayor Meeder, and Chief Operator Jay Irwin*):

Change Order No. 6

To modify the quantities to account for final quantities at the completion of the project.

The decrease from Change Order 5 totals by \$12,247.47, bringing the No. 1A – General Construction cost total to \$1,355,187.47.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2023-06-14.13: WWTP TEMPORARY LABORER

Motion to accept and approve the mayor's appointment of Kaitlyn Lindsey to the temporary position of laborer at the Water and Sewer Departments, as requested by the Chief Operator, at the hourly rate of \$18.50.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

Motion to move into Executive Session at 7:55 pm to discuss legal matters, with action to be taken following the executive session.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

Came out of executive session and returned to the regular meeting at 8:27pm.

RES 2023-06-14.14: CHAUTAUQUA COUNTY DA - PROPOSAL

Motion to accept and approve the proposal brought to the Village Board of Trustees by the Chautauqua County District Attorney's Office on an open and unresolved situation, requiring the continued confidence of the Trustees until the matter is fully adjudicated, which will then be made public by the CCDA's Office.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

Motion to adjourn the meeting at 8:28 pm.

Moved by Trustee Emory Seconded by Trustee Sanders Carried unanimously.

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer

Next Meeting: Regular Board Mtg Wednesday, July 12, 2023 at 6pm