

**VILLAGE OF SHERMAN**  
**MINUTES OF THE SPECIAL MEETING OF THE BOARD**  
**Wednesday, February 22, 2023 at 6:00pm**

Mayor Meeder called the meeting to order at 6pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, and Gary Emory; Clerk-Treasurer Jeanette Ramm; Chief Operator Jay Irwin; and Residents Danielle Crane, Kim Oehlbeck, Matt Oehlbeck (was called away during the meeting), and Martha Sanders were present.

Mayor Colleen Meeder explained that one of the reasons for the special meeting was to approve and submit the new Incorporated Village Limits, as determined and verified by Matt White of White Land Surveying, Inc. Five years ago, the Chautauqua County Real Property Tax Department made changes to the Village boundary, which was not lawful as the county has no authority to do that. The Chautauqua County GIS then showed two versions of the Village boundary. The Sherman Town Assessor did not implement these changes so there were no changes to the Real Property Tax Roll and therefore no need for litigation. The Village has been talking with our attorneys and NYCOM who agree that even if there had been an error, it has been too many years to be changed. Recent developments required that we address the issue and Brian Ellis from the County Clerk's office said if Matt White could reconstruct the boundary lines using existing deeds, titles, and hard points, it would finalize the new boundary. The map was available for review.

**RES 2023-02-22.1: MOBILE FOOD VENDOR FEE SCHEDULE**

Motion to approve the Fee Schedule for Mobile Food Vendors under the Village of Sherman Zoning Code Section 641.

- Annual Mobile Food Vendor Permit                      \$100.00
- Event Mobile Food Vendor Permit                      \$ 10.00
- Special Use Mobile Food Vendor Permit              \$ 40.00
- Penalty Fee for MFV Violation                      \$150.00 / violation

Moved by Trustee Watson      Seconded by Trustee Emory

Ayes: 4      Nays: 0      Carried

**RES 2023-02-22.2: BOUNDARY**

Motion to accept and approve the legal description and map of the Incorporated Village Boundary and file with appropriate federal, state, and local agencies:

**RESOLUTION FOR THE VILLAGE OF SHERMAN TO ACCEPT AND APPROVE THE LEGAL DESCRIPTION AND MAP OF THE INCORPORATED VILLAGE BOUNDARY.**

**WHEREAS**, the Village of Sherman commissioned White Land Surveying, Inc. to provide a legal description and map of the incorporated Village limits under RES 2023-01-11.4.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, to accept and approve the legal description of the Village of Sherman Boundary Line (attached):

**WHITE LAND SURVEYING**  
611 CLYMER HILL ROAD  
CLYMER, NY 14724  
716-499-8410



**DESCRIPTION OF THE VILLAGE OF SHERMAN BOUNDARY LINE:**

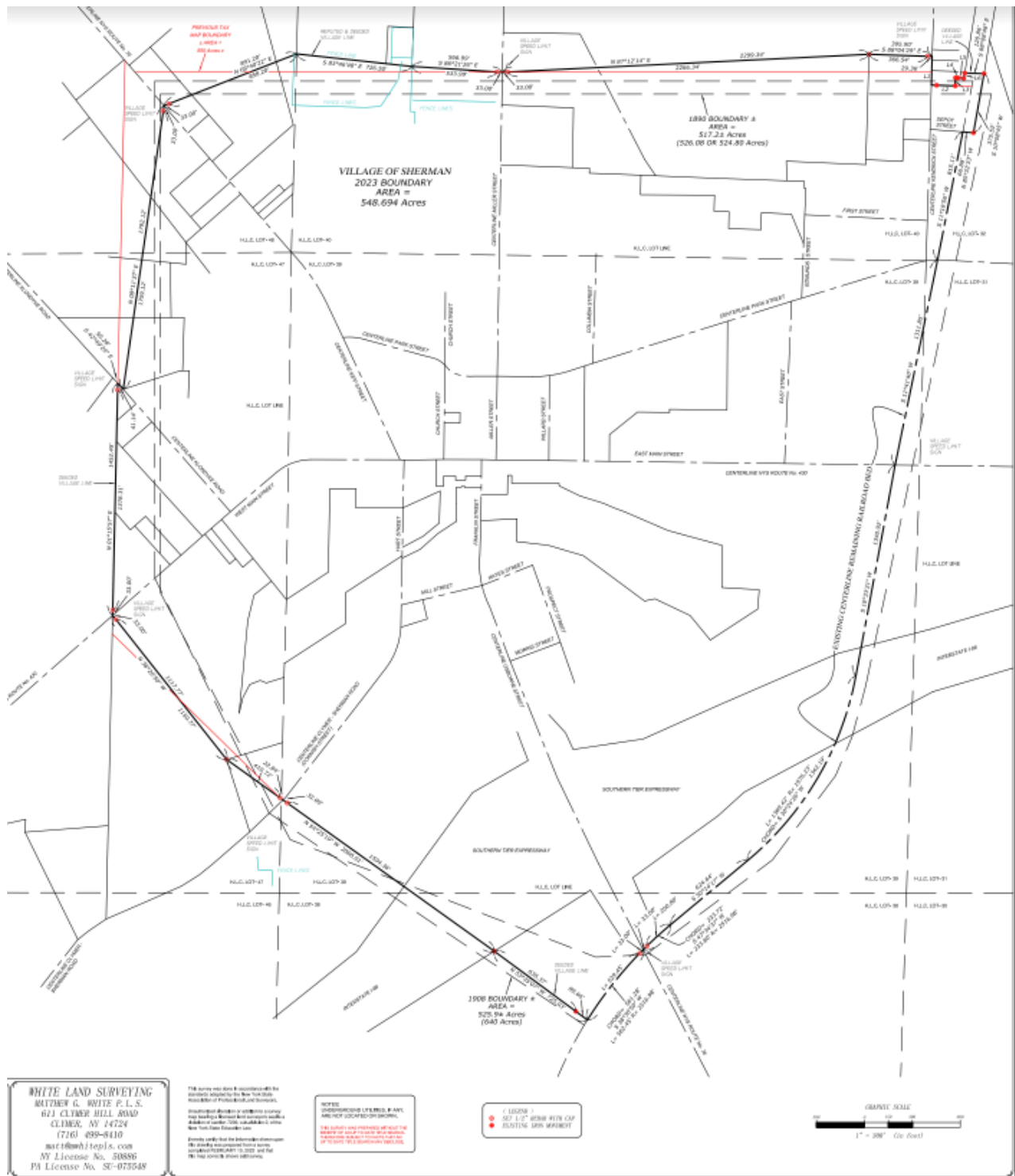
ALL that tract or parcel of land situate in the Town and Village of Sherman, County of Chautauqua, State of New York and being part of Lots- 48, 40, 32, 47, 39, 31 and 38, Town- 2, Range- 14 of the Holland Land Company's Survey and being bounded and described as follows;

**BEGINNING** at a point on the centerline of Kendrick Street also known as Kendrick Road, said point being on the division line between H.L.C. Lot- 40 on the west and H.L.C. Lot- 32 on the east, said point being **S 01°44'14" W 2583.43** feet more or less measured along said Kendrick Street and Kendrick Road Centerline from its intersection with the centerline of Titus Road and the northeasterly corner of said H.L.C. Lot- 40 and the northwesterly corner of said H.L.C. Lot- 32; **THENCE S 01°42'33" W** along said Kendrick Street Centerline, **179.52** feet to a point; **THENCE S 88°16'02" E 33.00** feet to an existing iron stake; **THENCE** continuing along the same line, **116.56** feet to an existing iron stake; **THENCE N 01°44'01" E 50.00** feet to an existing iron stake; **THENCE S 88°35'02" E 16.56** feet to an existing iron stake; **THENCE S 86°25'44" E 35.33** feet to an existing iron stake; **THENCE N 11°08'56" E 33.26** feet to an existing iron stake; **THENCE S 88°08'48" E 120.86** feet to an existing iron stake; **THENCE S 10°08'45" W 375.52** feet to an existing iron stake; **THENCE N 85°32'33" W 66.88** feet to a point on the existing centerline of the remaining railroad bed; **THENCE S 11°10'56" W** along said remaining railroad bed centerline, **815.11** feet to a point on the centerline of Park Street; **THENCE S 11°41'40" W** along said remaining railroad bed centerline, **1311.85** feet to a point on the centerline of New York State Route No. 430 (East Main Street); **THENCE S 10°33'21" W** along said remaining railroad bed centerline, **1340.92** feet to a point; **THENCE** continuing along said remaining railroad bed centerline along a curve to the right with a Length of **1369.42** feet and a Radius of **1976.23** feet and a Chord of **S 30°24'26" W 1342.19** feet to a point; **THENCE S 50°14'17" W** along said remaining railroad bed centerline; **624.64** feet to a point; **THENCE** continuing along said remaining railroad bed centerline along a curve to the left with a Length of **200.80** feet to a set 1/2" rebar with cap then continuing **33.00** feet and a Radius of **2516.98** feet and a total Chord of **S 47°34'37" W 233.72** feet to a point on the centerline of New York State Route No. 76 (Osborne Street); **THENCE** continuing along said remaining railroad bed centerline along a curve to the left with a Length of **33.00** feet to a set 1/2" rebar with cap then continuing **529.45** feet and a Radius of **2516.98** feet and a total Chord of **S 38°30'50" W 561.28** feet to a point; **THENCE N 53°35'07" W 89.66** feet to an existing iron stake; **THENCE** continuing along the same line, **635.37** feet to an existing iron stake; **THENCE N 54°25'19" W 1594.36** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **32.09** feet to a point on the centerline of Clymer –

Sherman Road (Cornish Street); **THENCE** continuing along the same line, **22.84** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **410.72** feet to a set 1/2" rebar with cap; **THENCE N 38°20'50" W 1117.77** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **33.00** feet to a point on the centerline of said New York State Route No. 430 (West Main Street); **THENCE N 01°15'57" E 33.00** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **1378.31** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **41.14** feet to a point on the centerline of Klondyke Road; **THENCE S 42°49'29" E** along said Klondyke Road Centerline, **50.28** feet to a point; **THENCE N 08°11'37" E 1759.12** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **33.00** feet to a point on the centerline of said New York State Route No. 76 (Kipp Street); **THENCE N 68°40'22" E 33.00** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **858.20** feet to a point; **THENCE S 83°46'48" E 726.50** feet to a point; **THENCE S 86°21'26" E 533.99** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **33.00** feet to a point on the centerline of Miller Street also known as Miller Road, said point being **S 01°21'05" W 2711.74** feet more or less measured along said Miller Road Centerline from its intersection with the said centerline of Titus Road; **THENCE N 87°12'14" E 33.00** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **2266.34** feet to a set 1/2" rebar with cap; **THENCE S 88°04'29" E 366.54** feet to a set 1/2" rebar with cap; **THENCE** continuing along the same line, **29.36** feet to the point or place of beginning containing **548.695** acres according to a survey made by Matthew G. White, PLS, Job No. NY-23-007 and dated February 10, 2023.

**BE IT FURTHER RESOLVED**, to accept and approve the map depicting the legal description of the Village of Sherman,





**BE IT FURTHER RESOLVED**, that the Clerk-Treasurer will retain the Village of Sherman Boundary Line description and map at the Village Hall and file the map and legal description with the U.S. Department of Commerce, U.S. Census Bureau, the New York State Department of State, the Chautauqua County Clerk's Office, the Chautauqua County Department of Planning & Development for Agricultural District 7, the Town of Sherman Assessor's Office, and a courtesy copy to the Chautauqua County Real Property Tax Office.

On motion of Trustee Emory and seconded by Trustee Sanders, the foregoing Resolution was put to a vote of the members of the Village Board of the Village of Sherman, the result of which was:

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>

**In compliance with federal requirements governing the USDA-RD funds we were awarded, we received the first official Audit Report from Johnson, Mackowiak & Associates, LLP. The trustees each received a copy and Mayor Meeder read over the audit findings.**

**RES 2023-02-22.3: 2021-2022 AUDIT OF THE VILLAGE OF SHERMAN**

Motion to accept the 2021-2022 Independent Auditors' Report as presented by Johnson, Mackowiak & Associates, LLP, for the fiscal period of June 1, 2021, through May 31, 2022, with Basic Financial Statements and Supplementary Information; final Year Ended May 31, 2022, report dated January 15, 2023.

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

**RES 2023-02-22.4: SURPLUS EQUIPMENT – WWTP GENERATOR**

Motion to declare the generator in the Wastewater Treatment Plant as surplus equipment, effective at the time of the installation of the new generator; and authorize and approve the mayor and chief operator to begin advertising the generator for bid, and accept bids, effective immediately.

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

**RES 2023-02-22.5: COMPREHENSIVE PLAN INTENT TO ACT AS LEAD AGENCY**

Motion to establish the Village of Sherman as the lead agency for the SEQRA (State Environmental Quality Review Act) for the Adoption of the Village of Sherman 2023 Comprehensive Plan Update:

Proposed Action: Adoption of the Village of Sherman 2023 Comprehensive Plan Update

**RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF SHERMAN  
VILLAGE BOARD TO ACT AS LEAD AGENCY**

**WHEREAS**, the Village of Sherman is proposing the Adoption of the Village of Sherman 2023 Comprehensive Plan Update (Update), located within the Village of Sherman, Chautauqua County, New York; and

**WHEREAS**, it is the intent of the Village of Sherman Village Board to assume the role of "Lead Agency" for purposes of conducting a SEQRA assessment of the Update; and

**WHEREAS**, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Village of Sherman Village Board, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Village of Sherman Village Board as "Lead Agency" in accordance with 6 NYCRR Part 617.6(b).

**NOW, THEREFORE, BE IT**

**RESOLVED AND DETERMINED**, that the Village of Sherman will send said Part I of the FEAF and associated site figure to the attached list of "Interested and Involved Agencies" under cover of a "Notice of Intent to Establish Lead Agency" letter for purposes of establishing Lead Agency status under SEQRA/SERP; and

**IT IS FURTHER RESOLVED**, that the Mayor of the Village of Sherman and the Village Board, together with Barton & Loguidice, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

On the motion of Trustee Sanders and seconded by Trustee Emory, the foregoing resolution was put to vote, and upon roll call, the vote was as follows:

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

**RES 2023-02-22.6: COMPREHENSIVE PLAN UPDATE PUBLIC HEARING**

Motion to schedule a Public Hearing and Special Meeting for Wednesday, March 22, at 6pm regarding the proposed Adoption of the Village of Sherman 2023 Comprehensive Plan Update.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

**RES 2023-02-22.7a: ZONING BOARD OF APPEALS APPOINTMENT**

Motion to appoint new board member Martha Sanders to the Zoning Board of Appeals.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 3      Nays: 0      Abstained: 1 (Trustee Sanders)      Carried

**RES 2023-02-22.7b: ZONING BOARD OF APPEALS APPOINTMENT**

Motion to appoint new board member Jeff Lang to the Zoning Board of Appeals.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 4      Nays: 0      Carried

**The Chautauqua County Partnership for Economic Growth (CCPEG) will offer resources for select small-scale streetscape projects identified to have potential for transformational impact. Support could include technical assistance, planning, conceptualization, or implementation of projects that align with Complete Streets initiatives within Chautauqua County.**

**RES 2023-02-22.8: COMPLETE STREETS PLANNING GRANT APPLICATION TO CC**

Motion to approve and authorize the mayor to apply to the Chautauqua County Partnership for Economic Growth CCPEG and Chautauqua Region Economic Development Corporation CREDC for a planning assistance grant for up to \$20,000 in preparation for the July 2023 Consolidated Funding Application for a Complete Streets Grant.

Moved by Trustee Watson      Seconded by Trustee Emory

Ayes: 4      Nays: 0      Carried

The mayor provided the trustees with the first draft of the Host Community Agreement (HCA) a.k.a. Community Benefit Agreement from the Chautauqua County Industrial Development Agency (CC IDA) and explained the various financial benefits to each municipality, i.e., the Village of Sherman, Town of Sherman, Sherman School District, and the Chautauqua County. With or without the annexation, all entities benefit from the project. The intention was to help the Village residents by offsetting the costs of our Sewer Capital Project (\$7M), Drinking Water Capital Project (\$2.4M) and Stormwater management upgrades which have no funding other than Village taxes. The cost of these projects is huge for such a small tax base, which is why we have been working on this project

for over 2 years. Trustee Sanders confirmed how we have invested in this solar project and how we've taken all the risks/costs working with engineers and lawyers and preliminary studies and CESARS to benefit this community. The mayor used the Sherman Central School project as a comparison: SCSD has a \$12M project which is +80% grant funded for the second largest geographical school district. The Village is doing 3 projects for approximately \$15M with +60% grant funding (Stormwater has no funding yet) for less than a square mile, less than 300 residences and a handful of businesses. The income from the solar projects was to help offset this burden. Meeder clarified the urgency as the WWTP is over 40 years old, and the water pumps were so bad we had contracts with Heil Transportation to bring in water in the event that the water project wasn't completed before the pumps failed. The state of the water system was so dire that we were awarded grant funding for the water project, which we otherwise didn't qualify for since the State still finds our rates too low. Our stormwater issues are equally serious, for example, the sink hole on Church Street which happened two weeks before Sherman Day. We are responsible for all the drainage systems in the Village including those under state roads, which become the responsibility of the local municipality once they are completed by the state.

Mayor Meeder explained that without the annexation, the Town will receive over \$590,000 over the 25-year life of the project while if we'd pursued the annexation their portion would have been approximately \$82,000 over the life of the project. And yes, the property for the solar project is completely owned by the Village and contiguous to the Village boundary. If the Town continued to oppose the petition it would have drawn the process out for at least another year and a half, dividing the community, and costing both sides hundreds of thousands in legal costs, perhaps even costing us the project. Trustee Emory said that the Town is 23,296 acres and if we annexed the 62 acres into the Village, the Town would still be 23,296 acres because it doesn't change the size of the Town. The Village pays a higher tax rate to the Town, therefore the annexation would have increased their revenue even without the development which increases the assessed value and further increases the tax revenue for the Town. Martha Sanders asked why the Town shouldn't be required to cover 50% of the cost the village invested in the project, since they are now going to benefit.

In response to Kim Oehlbeck's question about the cancellation of the public hearings, Mayor Meeder explained that the first postponement was because the Town wanted time to negotiate, after receiving the petition on December 15th. It was a legal requirement that the original meeting still be opened and then postponed for up to ten days. The second meeting was cancelled because once the Village and Town came to an agreement, the annexation petition was retracted, and there was no longer a need for the public hearing. It was not a public hearing about solar but the annexation. The mayor added that we wanted the public hearing. She had prepared a 49-page presentation for the meeting regarding the solar project which was also available at this meeting in case residents had questions about the solar project. The Board of Trustees has been openly working on this project for over 2 years and welcomed public interest in the project. This was not a secret project. The initial steps were taken by former Trustees Gratto, Higginbotham, and Ayers. We have had the DEC, Wetlands Management, SHPO, Seneca & Iroquois Nations, Acoustic/Audio Testing, and FAA Glare Testing investigate our project plans and site. This is not the same as the South Ripley Solar project as there is no battery storage, and no noise; it does have transformers which convert AC to DC, and it is agrivoltaic.

Mayor Meeder explained that this whole process started because we were purchasing land for the Wastewater Treatment Plant (WWTP). We'd purchased a slither of property, and then another piece, and then this last time the Crump Property was in Bankruptcy and the lien holder said we had to

purchase the entire property or none at all. We needed the additional ground for the WWTP upgrades and to give us access to the plant from RT430. In a budget meeting, Jim Mayshark suggested solar for the WWTP electricity; the Village had already been under contract with Solar Liberty since 2012. Once we had purchased the land it opened up the possibility of expanding the solar, and the Village was introduced to Community Solar Arrays. It just so happened that the (Sub-T) transmission lines were upgraded, and the proximity to the substation was in our favor, so the project was approved. The lines are now reaching capacity and the infrastructure would need to be upgraded if there was to be any additional solar planned for Sherman after this project. When Eleanor Eimers approached us to buy her land with the possibility of solar, we waited until the last moment to see if it would be approved for solar by National Grid through the CESIR, but the deadline forced us to choose the land without knowing about solar. The Board made the decision based on the fact that our first priority was to address the stormwater issues that start above Titus and come down over the Eimers property into the village. Trustee Sanders reminded everyone that we didn't qualify for any grant funding for stormwater management unless we owned the land or had a 99-year lease. This was the reason we purchased the Firster property and we have already made noticeable improvements to stormwater management with little investment. The mayor added that the Eimers property would have been the best site for solar as it is the least visible and the solar company would have to provide the SWPPPs (Stormwater Pollution Prevention Plans) and install the bioswales and detention bays, etc., at their cost. Another plan for the Firster's property is to fix the trail and allow public access to the beautiful scenery behind the nature center. Jay Irwin added that the solar project will bring another benefit to residents, a discount on their whole National Grid bill for residents who sign up for the program which has yet to be negotiated. The village spent \$55,000 on electricity for 2022 and the largest portion of that was for the WWTP, so the discount will be most welcome.

**RES 2023-02-22.9: HOST COMMUNITY AGREEMENT FOR SOLAR ENERGY SYSTEM**

Motion to approve and authorize the mayor to sign and execute the agreement for the Host Community Agreement by and between SL Sherman, LLC and SL Sherman II, LLC, the Town of Sherman, and the Village of Sherman; as executed by the Town of Sherman Board on Monday, February 20, 2023.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 3      Nays: 1 (Trustee Emory)      Carried

**RES 2023-02-22.10: RESCIND PETITION FOR THE PURPOSE OF ANNEXATION**

Motion to rescind the RES 2022-08-31.6 serving the December 2022 petition for the purpose of annexation of the following described territory situated in the Town to the Village consisting of two (2) tax parcels identified as Town of Sherman Tax Map Section 328, Block 1, Lots 11 and 10.2, pending the Town of Sherman's resolution declaring the Village of Sherman immune from the Town of Sherman Solar Energy Systems Law.

Moved by Trustee Watson      Seconded by Trustee Emory

Ayes: 3      Nays: 1 (Trustee Emory)      Carried

**Motion to adjourn the meeting at 7:12pm.**

Moved by Trustee Emory      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

Respectfully submitted,  
Jeanette Ramm  
Clerk-Treasurer



**Next Meeting:**           **Regular Board Mtg Wednesday, March 8<sup>th</sup>, 2023 at 6pm**  
                                  **Public Hearing & Special Meeting, Wednesday, March 22<sup>nd</sup>, 2023 at 6pm**  
                                  **4/19 Tentative rescheduling of April Meeting & Budget Public Hearing**