

**REGULAR MEETING, PUBLIC HEARING ON PUBLIC HEARING**  
**REGARDING Cable Television Agreement Between Spectrum & The Town of**  
**Sherman**  
**Dec. 3, 2020**

A regular meeting of the Town of Sherman Board was held on Thursday Dec. 3, 2020 at the Town Office 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 Osman, CEO

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

\*Greg Osman- CEO gave his monthly report for October and November as follows:

Number of inspections for October are 30  
Number of inspections this year are 217  
Number of Permits issued for October are 1  
Number of Permits for this year are 27  
Dollar Amount of Permits for October are \$150,000  
Dollar amount of Building this year are \$1,141,000  
Miles traveled for October are 151

**Permits issued to:**

Nicole Ohlsson, 7887 Freeman Red for a house

Number of inspections for November are 17  
Number of inspections this year are 234  
Number of Permits issued for November are 0  
Number of Permits for this year are 27  
Dollar Amount of Permits for September are \$ 0  
Dollar amount of Building this year are \$1,141,000  
Miles traveled for November are 78

**Permits issued to:**

**Town of Sherman PUBLIC HEARING OPENED AT 7:05 P.M.**

Supervisor Persons opened the Public Hearing regarding the granting of a cable television franchise agreement by and between the Town of Sherman and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.  
May it be noted that no one from the public was in attendance for this hearing.

After discussion and questions were answered Councilman James Higginbotham made the motion, 2<sup>nd</sup> by Councilman Howard Crump to approve the following Resolution:

**Town of Sherman, New York  
Resolution No. 56**

**WHEREAS**, an application has been duly made to the Town Board of the Town of Sherman, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

**WHEREAS**, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

**WHEREAS**, a public hearing was held in the Town of Sherman, New York on December 3, 2020, 7:05 P.M. and notice of the hearing was published in the Jamestown Post-Journal on November 20, 2020; and

**WHEREAS**, the Town Board finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Sherman for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence; and be it further

**RESOLVED**, that the Town Board hereby confirms acceptance of this franchise renewal agreement.

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The foregoing having received a **YES** vote and was thereby declared adopted.

Dated: December 3, 2020

Tamera M Weise  
**Town of Sherman Clerk**

**A copy of the Entire Franchise Agreement is on file in the Town Clerks Office.**

APPROVAL OF MINUTES

**RESOLUTION #57**

Councilman Ben Nickerson made the motion, seconded by Councilwoman Bessie Endress to approve the minutes from the last board meeting with the following correction under the **Clerk/Registrars Report** as follows:

Clerk Weise has found a link online for a free Sexual Harassment Training that the Town of Sherman can use for its 2020 Training. Clerk Weise will send the link to each Board Member/employee to watch the video, answer questions and print a certificate to be turned into the Town Clerk as verification they completed the training.

MOTION CARRIED.

**RESOLUTION #58**

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to make the following transfers and amendment to the 2020 budget.

MOTION CARRIED

**HIGHWAY FUND TRANSFER:**

\$945.00 DA9060.8 Employee Bennefit Hosp/Medical to DA9010.8 Benefits State Retirement.

**RESOLUTION #59**

**ABSTRACTS/CLAIMS**

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to approve payment of General Claims #153 through #163 in the amount of \$10,756.21. Highway Claims #131 through #143 in the amount of \$29,067.74.

MOTION CARRIED.

**JUDGE’S REPORT**

Judge Neal’s Nov. report shows fines of \$882.30 Civil fees of \$22.50 and surcharges of \$875.00 for a total of \$1779.80 Judge VanVolkenburg’s Nov. report shows fines of \$960.00, civil fees of \$0 and surcharges of \$651.00 for a total of \$1611.00.

**CLERK/REGISTRAR’S REPORT**

Clerk Weise presented the following to the Town Board:

- The following still need to finish the online Sexual Harassment Training by Dec. 31<sup>st</sup>. Ben Nickerson and James VanVolkenburg.
- Clerk Weise recommended to set the Year End meeting for Tues. Dec. 29<sup>th</sup> at 10:30 a.m. at The Town Office Building.

**RESOLUTION #60**

Councilwoman Bessie Endress made the motion, seconded by Councilman Ben Nickerson to hold the Year End meeting on Tues. Dec. 29<sup>th</sup> at 10:30 a.m.

MOTION CARRIED.

**The Following Fund Balance was presented:**

Justice Holding	\$ 2,654.00		
Highway	\$16,794.50		
General	\$24,064.59		
Youth Checking	\$ 280.67		
Youth Savings	\$ 5,172.91		
		<b><u>CD’s</u></b>	
		General	\$80,000.00
		Highway	\$95,000.00
		Highway	\$95,000.00
		<b>All CD’s are to mature on 12/7/2020</b>	

## **ASSESSOR'S REPORT - NO REPORT**

## **HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Dennis Sweatman reported the following to the board:

- The Village of Sherman didn't not accept the Towns bid for the Village loader through the auction site they contracted with.
- Dennis would like to put a loader bucket on the Towns tractor as it would be very useful in the winter time to load the trucks with sand as well as being used up at the cemetery in the summer.

Dennis presented a NY State Contract price from LandPro Equipment in Falconer for \$5,617.16. Discussion was held on the benefits of having a loader bucket on the tractor.

### **RESOLUTION #61**

Councilman James Higginbotham made the motion, seconded by Supervisor Mark Persons to purchase the New John Deere 520M Front Loader for the Towns 5075E Tractor at the NY State Contract Price of \$5,617.16. MOTION CARRIED

## **SUPERVISOR REPORT**

Supervisor Mark Person presented the Board with the following:

- A letter of retirement was received from Town of Sherman Justice Douglas Neal stating he will be retiring as of 12/31/2020.  
After accepting the letter of retirement the Board tabled any further discussion at this time.
- A letter of resignation was received from Town Historian Donna Lee Higginbotham stating she will be resigning from her position as of December 31, 2020 but will continue to help the New Historian in preparing for the 2023 Town celebration.  
After accepting her letter the Board tabled any further discussion until the January reorganizational meeting.
- Mark advised the Board that the Mortgage Tax came in higher than he had anticipated.

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