

**Village of Sherman –Regular Board Meeting**  
**Village Office-111 Mill St**  
**July 1, 2015**

Mayor Patterson opened the regular board meeting at 7:02 pm.

Present: Mayor Patterson, Trustees: Higginbotham, Gratto, Reyda, Fisher

Others present: Clerk Gilbert, Jay Irwin

Trustee Reyda stated an error in the resolution #4 from the June 2015 meeting minutes.

Correction of the Trustee's names is needed.

**RESOLUTION #1:** On motion made by Trustee Gratto and seconded by Trustee Reyda to approve the June 3, 2015 regular board meeting minutes with changes to Resolution #4 Trustee name changes.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

**SEWER**

Jay requested official hiring of Brandon Smith as he is doing a great job. Salary was discussed to start Brandon Smith at \$14.00/hr.

**RESOLUTION #2:** On motion made by Trustee Higginbotham and seconded by Trustee Fisher to approve the hiring of Brandon Smith at \$14.00 for the WWTP utility position.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Jay stated that he would like approved to have Brandon Smith take his first license training basic operations class as soon as possible as he is picking up on everything quickly. Trustee Reyda requested to see the curriculum he will be studying for his testing and receipts from all of his training expenses. Jay stated that the course is \$975 for a two week session.

**RESOLUTION #3:** On motion made by Trustee Gratto and seconded by Trustee Reyda to approve enrollment into the training class and testing for basic operations at Morrisville College at \$975.00 in December.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Preliminary Engineering report has been received from Clay Falls.

Survey of property will be needed and purchase of additional property owned by Jason Swan will be considered. Jay stated that he will get bids on survey to be done.

**STREETS/WATER**

Doug Crane was not in attendance. Mayor Patterson stated they have been working in all areas.

**CODE ENFORCEMENT**

Zoning hearing is scheduled for Wednesday, July 15, 2015 to review application submitted by

Mike Zemcik for a pole barn/garage.

Clerk Gilbert asked the board to re-appoint Nick Kenyon, Doug Crane, and Carl Van Curren to the zoning board.

**RESOLUTION #4:** On motion made by Trustee Higginbotham and seconded by Trustee Fisher to re-appoint Nick Kenyon, Doug Crane, and Carl Van Curren to the Zoning board of appeals.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

**CLERK**

Voucher #2 for \$141,540.96 includes annual Fire Contract payments to the Stanley Hose Co. and the WWTP Bond/Interest payment.

**RESOLUTION #5:** On motion made by Trustee Reyda and seconded by Trustee Gratto to approve Voucher #2 for \$141,540.96.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Clerk Gilbert reported that Dave Allen has requested an additional sewer credit for water used in his hot tub as he had to refill it. The amount requested was 38 cu. Ft. =\$2.74

**RESOLUTION #6:** On motion made by Trustee Reyda and seconded by Trustee Gratto to approve a sewer charge credit to David Allen for \$2.74.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Bessie Endress also requested a sewer credit for water used for pressure washing her house. The amount requested was for 40 cu. Ft. =\$2.88.

**RESOLUTION #7:** On motion made by Trustee Reyda and seconded by Trustee Gratto to approve a sewer charge credit to Bessie Endress for \$2.88.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Tom Prezporia also requested a sewer credit for water for filling his new pool which holds 18500 gallons=2,466.67 cu. Ft.=\$177.60.

**RESOLUTION #8:** On motion made by Trustee Gratto and seconded by Trustee Fisher to approve a sewer charge credit to Tom Prezporia for \$177.60.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Gary Emory presented to Clerk Gilbert his property tax bills for Columbia St. and Kipp St. The water levy for Kipp St. was incorrectly applied to the Columbia St. parcel. After evaluating the accounts Clerk Gilbert reported that there was a billing error for the Kipp St. water/sewer accounts as there were two accounts and one was closed but had been charged for one quarter after being closed. The amount of the charge was \$78.44. This amount needs to be approved for removal from the property tax.

**RESOLUTION #9:** On motion made by Trustee Reyda and seconded by Trustee Higginbotham

to approve a reduction of water/sewer levy charges for Gary Emory in the amount of \$78.44 on his property tax bill.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

**Old Business**

Clerk Gilbert reported a proposal from the new Bond Counsel, Charles Schachter. Board reviewed information provided on background, fees, and conditions.

**RESOLUTION #10:** Motion made by Trustee Reyda and seconded by Trustee Fisher to hire bond counsel for the USDA Grant/Loan for the loader purchase, Charles Schachter.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Clerk Gilbert presented a copy of the bond resolution that bond counsel has stated needs to be approved was presented to the board and reviewed as follows:

At a regular meeting of the Board of Trustees of the Village of Sherman, Chautauqua County, New York, held in the Village Hall, located at 111 Mill Street, Sherman, New York 14781 at 7:00 p.m., prevailing time, on July 1, 2015.

Present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE VILLAGE TO ACQUIRE ONE FRONT-END LOADER AT A MAXIMUM COST OF \$137,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$100,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION**

WHEREAS, the Board of Trustees (the "Board") of the Village of Sherman, Chautauqua County (the "Village") proposes to authorize the Village to acquire one front-end loader (the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees (the "Board of Trustees") of the Village of Sherman, Chautauqua County, New York (the "Issuer" or the "Village") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of one front-end loader. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$137,000, and the plan for the financing thereof shall consist of (i) the expenditure of \$17,000 in current funds of the Village, (ii) the application of up to \$20,000 in grant monies expected to be received by the Village from the United States Department of Agriculture, Office of Rural Development ("Rural

Development”) with respect to the Project, (iii) the issuance of up to \$100,000 in serial bonds of the Village authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, to finance said appropriation, and (iv) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

**SECTION 2.** Serial bonds of the Village in the principal amount of \$137,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance said appropriation.

**SECTION 3.** It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

**SECTION 4.** The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 5.** The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

**SECTION 6.** Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

**SECTION 7.** Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer, as the chief fiscal officer of the Village (the “Treasurer”). Such notes shall be of such terms, form and contents as may be prescribed by said Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the “weighted average period of probable usefulness” (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Treasurer, as the chief fiscal officer of the Village.

**SECTION 8.** The Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by

this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**SECTION 9.** The Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 10.** It is hereby determined that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations thereunder ("SEQRA"), and as such no further actions need to be undertaken under SEQRA in connection with the approval of the Project or the financing thereof.

**SECTION 11.** The intent of this resolution is to give the Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

**SECTION 12.** In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

**SECTION 13.** In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

**SECTION 14.** The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such 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

(c) such obligations are authorized in violation of the provisions of the constitution.

**SECTION 15.** As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

**The following vote was taken and recorded in the public or open session of said meeting:**

**AYE**

**NAY**

**Date: July 1, 2015**

This resolution per new bond counsel needs to be approved once again. Then the posting of the notice by clerk for 30 days and if no protest a publication of Estoppel Notice and with 20 days elapsed of publication the village can proceed with issuance of bonds.

**RESOLUTION #11:** Motion made by Trustee Gratto and seconded by Trustee Fisher to approve the bond resolution as stated for purchase of CAT loader.

AYES: 5 Gratto, Higginbotham, Reyda, Fisher, Patterson

NAYES: 0

Planning grant information was provided to the board. Clerk Gilbert gave information from the Town of Portland's clerk regarding their consolidation study done in 1999.

Clerk Gilbert stated that funding has a matching fund of 50% by the village. Cost cannot exceed \$50,000. Information needed is who will do the study and how much will it be.

Charles Cornell, at Fredonia State College was contacted by Clerk Gilbert to find out if their program would be able to assist us with the study. Southern Tier West Development and a board of community members were also involved to do a survey of various people. There were various points of interest. Charles Cornell will get back to the clerk with information as there is a summer break at the college.

Two areas that Clerk Gilbert found to be important issues were the Fire contracts (fire truck) to Stanley Hose and the Streets Department.

Clerk Gilbert will contact Mr. Cornell and Southern Tier West regarding assistance with the study.

### **NEW BUISNESS**

Trustee Higginbotham is asking on behalf of the Yorker Society to have cement blocks removed from under the porch at the general store. Mayor Patterson stated that he would have Doug and Larry check on this.

Trustee Higginbotham asked to review the procurement policy. Clerk Gilbert stated she will continue to look for this.

Mayor Patterson, Jay Irwin, Doug Crane will meet with George Spanos regarding the Chautauqua County Highway Building being rebuilt on Rt. 430.

**RESOLUTION #13:** Motion made by Trustee Gratto and seconded by Trustee Higginbotham to adjourn regular board meeting at 8:14 pm.

AYES: 4 Gratto, Higginbotham, Reyda, Fisher

NAYES: 0

Respectfully submitted,

*Ann M. Gilbert*

Ann Gilbert

Clerk/Treasurer