# **VILLAGE OF SHERMAN**

# MINUTES OF THE REGULAR MEETING OF THE BOARD, & MEETING OF THE MUNICIPAL ZONING BOARD

Wednesday, December 13, 2023 at 6:00pm

Mayor Meeder called the meeting to order at 6:04pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, Gary Emory, and Danielle Crane; Chief Operator Jay Irwin; Clerk-Treasurer Jeanette Ramm; and the press were in attendance.

# **RES 2023-12-13.1: MINUTES**

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held November 8, 2023.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the PUBLIC HEARING of the 2023 CDBG Co-Infrastructure Award of \$1.25M for the Main Street Stormwater Project.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

# PUBLIC HEARING 2023 CDBG CO-INFRASTRUCTURE AWARD



# PUBLIC HEARING 12/13/2023

# 2023 CDBG Program

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 provides \$49M in funds for these purposes.

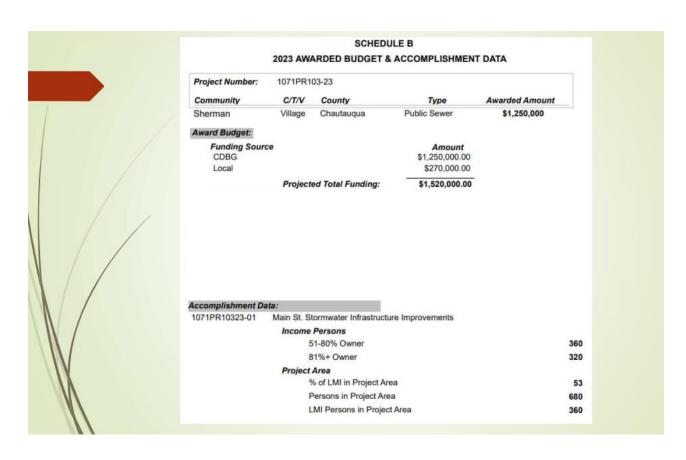
# PUBLIC HEARING

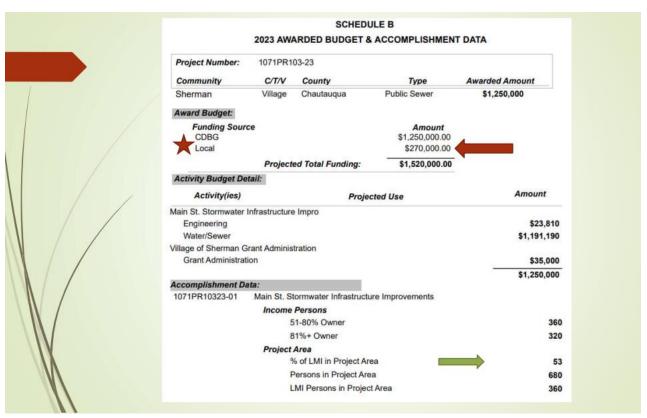
12/13/2023

2023 CDBG co-funding Infrastructure Grant of \$1.25M for the Village of Sherman Stormwater Infrastructure Improvement Project Main Street Infrastructure Improvement Phase

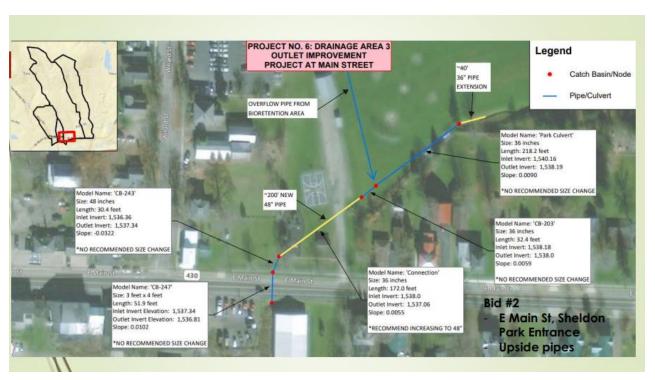
This estimated \$1.5-2M project is part of a greater \$5M Stormwater Improvement Project initiative. The 2019 CDBG Community Planning Grant of \$50,000 for the Comprehensive Drinking Water Improvement and Stormwater Improvement Study resulting in the Preliminary Engineering Reports for both the \$2.4M 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. The CDBG Program requires the project is ready to go to bid and be under construction by May of 2024. The \$1.25M in CDBG grant award will likely be used strictly for construction.









Earlier letter from the Mayor to CDBG:

It is with great appreciation that I write to you today in acceptance of the recent CDBG Co-Funding Infrastructure award of \$1,250,000 for our Main Street Stormwater Infrastructure Improvement Project. This is going to address a very serious and timely need in replacing, correct-sizing, and connecting the stormwater infrastructure system that serves our businesses, residents, and greater community.

This large and essential infrastructure system comes with an enormous responsibility and a significant cost without any direct revenue source outside of the tax base of what is a very small rural community with a low-median household income. This award brings a great relief to the burden on the residents and businesses, while ensuring the safety and preservation of our other infrastructure impacted by stormwater, i.e., streets, downtown businesses, and residences.

The Village of Sherman accepts this award on behalf of the community it serves, to be applied to the construction, understanding the tight schedule requiring a Spring 2024 start.

Motion to close the public hearing and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

# **MUNICIPAL ZONING BOARD MEETING:**

Regarding the Mobile Food Vendor – a violation notice was sent out for operating without a permit and operating without permission from the property owner.

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 Sanders

Ayes: 5 Nays: 0 Carried

# **REGULAR BOARD MEETING:**

# DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

# **SEWER**

- The heater was down but has been repaired.
- The UV system is finally fully operational and running as it is supposed to.
- We are almost at the point where we won't need to work over the weekends. With the conversion of the west tank, we can hold the effluent through the weekend without discharging to the creek.

#### WATER

• No issues.

#### **STREETS**

- Sidewalk repairs are underway. In order to replace and reset the posts under the awning, the sidewalk had to be dug up on the south side. Doug Crane tried to get the immediate things done so that Conrad Contracting could finish off his work. Cole Electric will continue installing the electric lights and audio system along the south side as well.
- Street poles and lines are installed along State Route 76, near I-86, for the new streetlights. Hopefully they will be fully installed and operational within the next few days.

# **CAPITAL PROJECT UPDATES**

# **STORMWATER**

• See Public Hearing and Presentation

#### **SEWER**

- Long term bond closed as scheduled on November 16th, final construction and RD grant submittal will continue over the next few months.
- WIIA grant funds are closed out, utilizing nearly the full \$7M budget (\$6.993M). The amount refunded of \$21,774.78 included the error of \$5,166.78 overpaid to the Village, and the ineligible items, i.e., 25% of the 2018 CDBG \$50,000 Comprehensive Sewer Study equaling \$12,500 and NYS EFC SRF interest.
- Next meeting will include the close out of contractor agreements and any change orders. Mr.
  Irwin's additional items include a heater, garage openers, and a weatherproof lock for the
  gate.

#### WATER

- The final invoices are due this month to NYS EFC for the close out of short-term to long-term bonding.
- Jay Irwin is investigating an insulation issue at the Treatment Building.
- The Emergency Response Plan needs to be updated to include the protocol for using the generator vs. running cables in the event electricity is lost at the water treatment plant.
- A decision needs to be made regarding the generator for the water treatment building. It seems redundant to have two \$60K generators sitting side by side. We are considering having the electrician hook up the water treatment building to the WWTP generator.

**NYMS AWARD** – Awning – the electric and sound are complete on the north side and will be going in on the south side starting this Friday. Conrad Contracting is to begin replacing the poles on the south side and installing the sheet metal on the ceiling. Individual projects (businesses along Main Street) have begun and must be complete by September 2024. Don Wagner and Peter Baker's properties don't have awnings and are not part of the awning project, but the roof in front of LMNOP needs work, and we are looking at ways to fix that roof. Cris Loutzenhiser is planning on extending the awning on the south side to one foot beyond the stairs leading to the Cooler Bar & Grille. That is part of his project, not the awning project.

CCPEG/CREDC Award of \$25,000 – this award supporting the NYMS Walkway Awning Project was to be completed and the Final Report Summary was due by December 1<sup>st</sup>. This project is nearly complete and the update to CCPEG/CREDC was sent on December 4<sup>th</sup>, anticipating completion by end of the month. These funds awarded by CREDC (Chautauqua Region Economic Development Council) are from the generosity of the Ralph C. Wilson Foundation.

COMPLETE STREETS / CCPEG AWARD – The Village has received the initial draft from GOBike summarizing the Complete Streets Workshop held on October 10; the mayor provided some notes for Barton & Loguidice's review. 'Complete Streets' is essential and comprehensive as it involves everything from stormwater, sidewalks, streets, trees, signage, placemaking, way finding, crosswalks, etc. Recommendations included creating better visibility for pedestrians to cross, bump outs, permitted parking, enforcement, and much more.

**EV** Charging Stations – NYS DOT is providing way-finding signs from I-86 to the site of the charging station. The Village only needs to provide for the signs at the 106 Church Street location.

# **COMMITTEE & AGENCY UPDATES**

**Solar Project Status** – National Grid is installing lines prior to interconnection. There are still more poles to be installed, as well.

The Ag & Farmland Protection Board (AFPB) is providing a 30-day period for the inclusion of predominantly viable agricultural lands into existing agricultural districts. The Chautauqua County Legislature has designated January 2 – January 31 for the annual opportunity during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district, per NY State Agriculture and Markets Law Section 303-b. This application has been posted on the website <a href="https://www.shermanny.org">www.shermanny.org</a> and at the US Post Office.

**Steering Committee** will meet in January to review the Complete Streets Policy. The policy needs to state that we are committed to engage in these practices i.e., promoting safety, slowing traffic, promote walkability and access that is safe for all people of all ages, etc.

**Edmunds Park Committee** – restroom building construction is nearly complete, the interior plumbing and finishing work has begun; the Village received the additional \$49,000 donation from the Wake Family Charitable Foundation, for a total of \$89,000 toward the restroom project. The committee will be meeting after the first of the year with a representative from the playground company. They like to meet for planning purposes 3-4 months prior to installation.

Chautauqua County Partnership for Economic Growth (CCPEG) – the mayor was out sick and unable to make this month's CCPEG or the meeting of the Mayors & Supervisors.

Chamber of Commerce – Christmas Week was a success. The scavenger hunt will need more advertising for next year, but the winning team enjoyed their \$100 prize. The rest of the events included horse drawn wagon rides, ugly sweater competition, Christmas bingo, SHLA chicken and biscuits, Christmas pet parade, breakfast with Santa and the Lighted Tractor Parade, which was hugely successful with both sides of the streets packed with spectators and 49 entrants, many involving multiple vehicles! The next chamber meeting will be Tuesday, January 9<sup>th</sup>, at 9am, at the Village Office.

#### MAYOR

- Presented **Community Connections**' request for donations for their services to the Sherman residents. They have provided services for the last 10 years, including running errands, transportation, education, activities that reduce social isolation and homecare services.
- Schedule of upcoming **NYCOM webinars** includes newly promulgated cannabis regulations which is available to the trustees to keep abreast of NYS laws. This is not urgent, but since we did not opt out, we do need to keep up to date with the regulations.
- CCE Sustainability Campaign Educator, Emily Edwards (aka energy advisor), is to meet with the Village at the Library to discuss education outreach opportunities revolving around renewable energy, energy savings, and energy efficiency. The mayor has asked USDA and CHRIC to take part in an event to present all housing programs available, to be scheduled by the Library, Food Pantry, and in coordination with Sherman Central School. The planning meeting is scheduled for Monday, December 18, 2023. This is for homeowners and is not restricted to residents of the Village.
- Helen Reynolds (Director Sherman Area Food Pantry) passed away on December 2nd at the age of 89. She served as director of the food pantry for over 30 years, beginning in 1989 and continued to personally deliver food boxes filled with potatoes, cabbages, and squash etc. into her 89th year. Helen's gift of service was felt by everyone she encountered. She was loved and appreciated and will be missed! We are grateful for Perry Douglas and Tina Whitney who attend a lot of the ACAC (Area Christian Action Council) meetings, and the large group of volunteers, and Johann Munger who will continue to ensure this essential community outreach continues.
- Minerva Free Library Oliver Willcox Norton Painting Donation the Village's donation of the Oliver Willcox Norton painting, painted by Susan Wolfe, to the Minerva Free Library has spiraled into something larger. David Prenatt of the Post Journal and Westfield Republican is putting together an article about this Sherman legacy. Susan Wolfe reached out to Jari Villanueva, Taps Bugler, who tracked the history of Oliver Willcox Norton as one of the first involved in playing taps. Norton is also tied to Strong Vincent, the Chautauqua Institution and other larger entities. Deetroit Dave, of Bemus, made a video regarding Oliver Willcox Norton including footage of Norton Hall (Chautauqua Institution) and the Minerva Library which can be viewed on his website at <a href="deetroitdave.com/Minerva\_Library/Minerva\_library101223A.html">deetroitdave.com/Minerva\_Library/Minerva\_library101223A.html</a>. Susan Wolfe is doing some additional research and touchups to the painting which will be ready in spring for the official dedication event.
- Lighted Tractor Parade this parade was the innovative idea of Cris Loutzenhiser (Cooler Bar & Grille) based on the Linesville, PA's parade. Without him it would not have come to Sherman. The Sherman Chamber of Commerce pulls all the logistics and event details together, while the Village of Sherman provides the structure for it to work, and finally the Stanley Hose Fire Company is essential to making such a large event work safely. This year the judges were seated on a flatbed truck crossing the end of Miller Street which situated the judges more centrally and gave them a direct connection for the announcements. Next year we'll have to ensure a safer way to access the truck and block the stage area off. Although the Edmunds Park toilets will be available, we'll still need to put port-a-johns around the event, i.e., a couple on Main Street and a couple at the school for entrants in the parade who arrive 2 hours ahead of the event. These are paid for through the "celebrations" budget.
- **Village office closed** December 25<sup>th</sup>, to reopen January 8<sup>th</sup> to the public.
- **Open House** as part of the grant requirements, the village needs to host an open educational event after the close of the projects. The USDA and other funding agencies have suggested

- that our 6-month inspection in June 2024 should be the date of the open house event. This would include both the Water and the Wastewater Treatment Plants.
- Open Wi-Fi along the downtown area was discussed. It was suggested to have seasonal Wi-Fi from June through December to cover the big events, such as Sherman Day, the Music Festival, and the Tractor Parade. It wouldn't necessarily need to cover the Memorial Day parade since that has no music. There were concerns from trustees over the number of users that could take advantage of the 'open' Wi-Fi, including tenants.
- Another suggestion from local businesses was to police residents who don't clean up their animal excrement left along the sidewalk.
- Mini presentation

# **Village Municipality = Public Entity**

The village is a municipal organization, serving the needs of the public not the individual. The enforcement of laws, regulations, and policies is at the heart of the very nature of the village's purpose in providing for the health, wellness, safety, and quality of life, while supporting the economic and community development of Sherman. The purpose of the enforcement officer is just that... and to reduce the time the clerk-treasurer, mayor, and streets superintendent spend on repetitive discussions on such matters. The officer's role is to relay the law, be it verbal or in writing, but not to expound further.

The village has very limited resources, particularly in the office. We are exhausting resources on placating to individuals at the expense of the public interest. (Placating – intending to make someone "less" angry or hostile.)

There is a need for balance given the nature of living in such a small community. But enabling individuals to continue to have, or believe they have the right to direct access or influence is not appropriate.

There is a Steering Committee, Planning Board, Trustees, and a ZBA, (over 25 people); not to mention a Chamber of Commerce who provides input and suggestions. The decisions that are made and the need for enforcement is for <u>the collective benefit of the public</u>. Many claim they 'did not know', therefore claim they need special consideration... however, most are aware and <u>intentionally disregard</u> the laws or regulations.

The ZBA Chair says the perception is that there are accommodations made for those who have direct access to trustees and employees, (a close familiarity therefore implying favor). However, sometimes dealing with matters (directly, after hours, etc.) is for our own expediency, not for the satisfaction of any individual constituent.

Overall, the mayor is in agreement with the ZBA Chair that the expectations need be set for a more professional approach where people are directed through to the office... which for most of these matter's means being directed to the enforcement officer.

# PRESENTATION: Stormwater, Sidewalks, and Complete Streets





The mayor reiterated that the stormwater, sidewalks, and Complete Streets projects will begin in May of 2024 and finish in December of 2025, when the CDBG grant concludes. This is only if no supplementary work is required, or additional projects piggyback onto one of these projects. A warning of this coming inconvenience is being sent out to all village residents on the back of their December water and sewer bills, as below:

With the recent award of \$1.25M from CDBG for the Main St Stormwater Project:

# CONSTRUCTION AWARENESS MAIN STREET MILLER STREET FRANKLIN STREET

# **IMPORTANT TO NOTE:**

The Village will be making stormwater, sidewalk, & streets improvements over the next two years.

# THERE WILL BE MAJOR CONSTRUCTION, therefore disruption and inconvenience.

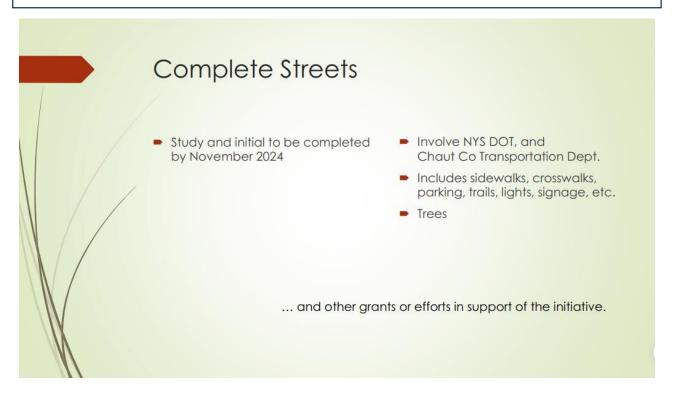
The timing of each project phase is determined by a variety of variables outside of the Village's direct control. The Village is warning everyone repeatedly and often to be prepared to adjust to the conditions as they evolve. Expect dirt, dust, and mud; there will be disruptions to parking, walkways, and roads.

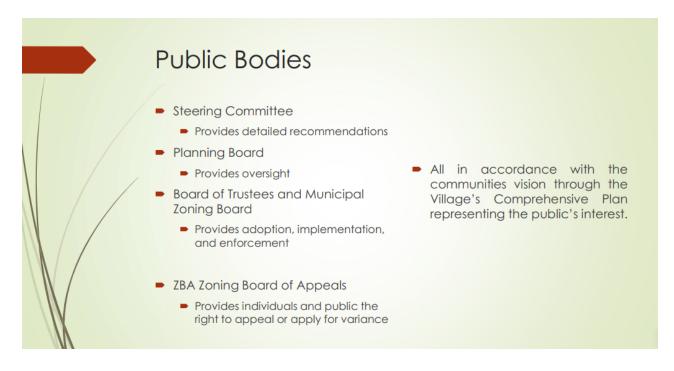
We ask that everyone is patient, we have to be flexible and adapt. The project and construction schedule will not be accommodating the timing of local events or anyone's specific needs (business, resident, or visitor).

Things that effect the timing of projects include weather, supply deliveries, availability of crews or designated subcontractors for specific tasks that are directed by the general contractor and the schedule of other projects the general contractor may be managing. There is a great deal of coordination necessary between the Village, the contractors, and involved agencies to be successful. This is above the engineering, financing, reporting, and permitting required.

It is the normal course of all infrastructure projects to have a demolition or opening preparation phase, various stages of construction, connection, closure, and final reclamation, with periods of pauses in between. This can span weeks, months, or years, dependent on the nature of the improvement(s) involved.

Directional signs, caution cones, and tape are placed for public awareness of areas not to be accessed which must be adhered to. The streets superintendent has the authority to direct the enforcement officer to ensure all areas are safe by whatever appropriate means or measures are deemed necessary, for example a vehicle can be towed at the owner's expense.





During the discussion regarding responsibility of sidewalks, it was noted that sidewalks are private property. The village assists with public access particularly for school, so we plow sidewalks before school begins and before school gets out. If a student gets off school early, we are under no obligation to maintain the sidewalks as we continually do with the roads.

# **PUBLIC PARTICIPATION**

There was no public present.

# FINANCIAL REPORTS FROM CLERK-TREASURER

General Checking Account: Balance (12/13/2023) is \$39,339.91 & book balance (\$20,863.65)

T&A Account: Balance of \$11,308.10 & book balance \$25,577

NYS Fund Bank Account: Balance (12/13/2023) is \$36,257.50 & book balance \$12,816.50 Sewer Project Bank Account: Balance (12/13/2023) is \$638.67 & book balance (\$285,956.64) Water Project Bank Account: Balance (12/13/2023) is \$4,811.28 & book balance (\$12,975.97) Parks Fund Account: Balance (12/13/2023) is \$86,553.26 & book balance \$35,198.84 Stormwater Fund Account: Balance (12/13/2023) is \$22.76 & book balance (\$3,307.24)

Climate Smart Account: Balance (12/13/2023) is \$7,775.60

Debt Service Account: \$43.72 Reserve Account: \$13,833.27

CD Account: Balance (12/13/2023) is \$0

Account Adjustments: N/A

#### RES 2023-12-13.2: VOUCHER #7 2024

Motion to accept Voucher #7 for \$3,389,011.12 for November 2023, of which \$46,925 is from the NYS Special Fund, \$3,189,180.29 is from the Sewer Project Fund, \$29,957.25 is from the Water Project Fund, \$13,078.22 is from the Parks Fund, \$3,330 is from the Stormwater Project Fund, and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

# **MAYOR**

The mayor clarified the cash position explaining that once we get the serial number for the sweeper, which should be in the next week, she will be able to submit the invoices for the lawnmowers (one with the sweeper), the Kubota and the snowblower totaling about \$70,000. Once the awnings are completed and processed, we will receive roughly another \$70,000 back from that project. The recent debt exchange for the sewer capital project brought us down \$40,000 because the USDA didn't account for the land purchase, but we may get most of that back, depending on what items are approved on Jay Irwin's final sewer project list. Tom Becker (USDA) is pushing for Mr. Irwin to add a skid steer for sludge removal to the list, so there are still many moving parts. This meeting's vouchers include payments that will not be mailed out for another few weeks as they are not due yet. The general account is only temporarily negative.

JMA (Johnson, Mackowiak and Associates, LLP) were here in November to do their second financial audit, which went well.

# **OLD BUSINESS**

No old business was discussed.

# **NEW BUSINESS**

**NYCLASS** – area municipalities use NYCLASS, easily accessible (as opposed to CD's), earn higher interest on funds in the account, than standard banks.

#### RES 2023-12-13.3: GENERAL ACCOUNT - NYCLASS

Motion to approve and authorize the clerk-treasurer and mayor to establish an account with New York Cooperative Liquid Assets Securities System (NYCLASS) for general accounting purposes of cash available to be invested at a higher interest rate returned to the Village of Sherman. This initial account being established is not for any reserve or specified purpose.

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o; Section 119-o empowers municipal corporations [defined in Article 5-G, Section 119-n to included school districts, boards of cooperative educational services, counties, cities, towns and villages, and other districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for another) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS, the Village of Sherman wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

**WHEREAS**, the Village of Sherman wishes to satisfy the safety and liquidity needs of their funds.

**NOW THEREFORE,** it is hereby resolved as follows: that Colleen Meeder, Mayor of the Village of Sherman, is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

**WHEREFORE**, on the motion of <u>Trustee Watson</u>, seconded by <u>Trustee Crane</u>, the foregoing Resolution was put to a vote, 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	Aye

The foregoing resolution was duly adopted.

#### RES 2023-12-13.4: 2023 CDBG CO-FUNDED INFRASTRUCTURE GRANT AWARD \$1.25M

Motion to accept the 2023 CDBG Co-Funded Infrastructure Grant in the amount of \$1,250,000 for the Main Street Stormwater Improvement Project, and approve and authorize the mayor to accept the terms and sign the grant agreement.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

# **RES 2023-12-13.5: RENTAL AGREEMENTS FOR 2024**

Motion to approve and authorize the mayor to offer and execute the following monthly rental agreements for the year 2024, at the following rate(s), beginning January 1<sup>st</sup>, 2024 with tenants of the properties listed below:

• 130 West Main Street, lower level for \$290 / month, including Water & Sewer EDU

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

In fulfilling the NYSDEC requirement for WWTP operation oversight, the Village is renewing the contractual employment agreement with Paul Fisher a Certified 3A Operator for the period of five years, and agrees, that as an employee of the Village, the Village is to reimburse him for any expenses incurred during the recertification of his license.

# RES 2023-12-13.6: 3A OPERATOR AGREEMENT

BE IT RESOLVED that the Board of Trustees of the Village of Sherman hereby approves the employment of Paul Fisher as 3A Operator for Sewer, for the period January 1<sup>st</sup>, 2024 to December 31, 2028 and further approves the Employment Agreement setting forth the terms and conditions of such employment with the Village of Sherman. (A renewal of the previous agreement resolved 2019-01-02.4)

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

**Motion to move into Executive Session** at 8:46pm to discuss legal and contractual issues, with no action to be taken following the executive session.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

# Returned to the regular meeting at 9:48pm.

# Motion to adjourn the meeting at 10:10pm.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

Respectfully submitted Jeanette Ramm Clerk-Treasurer

Next Meeting: Regular Meeting January 10, 2024 at 6pm.