

REGULAR MEETING / PUBLIC HEARING ON JUSTICE COURT STUDY,
TOWN OF SHERMAN,
April 8, 2021

A regular meeting of the Town of Sherman Board was held on Thursday, April 8, 2021 at the Town Office Building, 111A Mill St, Town of Sherman, Chautauqua County, New York at 7:00 PM.

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| Present: | James L. Higginbotham | Council Member/ Deputy Supervisor |
| | Howard E. Crump | Council Member |
| | Bessie V. Endress | Council Member |
| | Ben Nickerson | Council Member |
| | Dennis Sweatman | Highway Superintendent |
| | Tamera M Weise | Town Clerk |

Absent: Mark D. Persons - Supervisor

Guests: Greg Osman – CEO, Theresa Tallman – Court Clerk, James VanVolkenburg, Doug Neal, Greg Rater, and Paul Sears – Town Residents, Joel Seachrist–Town Attorney

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

Deputy Supervisor Higginbotham presented retired Justice James VanVolkenburg with a plaque and thanked him for his 35 years of service as Sherman Town Justice.

PUBLIC HEARING:

At 7:05 Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to enter into the Public Hearing. MOTION CARRIED.

Clerk Weise provided those present with a copy of the Town of Clymer, French Creek, Mina and Sherman’s Justice Court Study.

James VanVolkenburg asked how the process of Court Consolidation worked. Attorney Joel Seacrist explained that a resolution would be passed by the Town Board for the consolidation, paper work would be filed and then submitted to the State Legislatures for final approval.

After no further questions or discussion Councilman Ben Nickerson made the motion, seconded by Councilwoman Bessie Endress to adjourn the Public Hearing and move into the Regular monthly meeting. MOTION CARRIED.

- Deputy Supervisor James Higginbotham present the Sherman Town Board with the following Resolution:

RESOLUTION ADOPTING JOINT PLAN

WHEREAS, pursuant to section 106-b of the Uniform Justice Court Act, the Towns of French Creek, Mina, Clymer, and Sherman undertook a study relating to the election of a single justice to preside in the town courts of the four participating towns, and

WHEREAS, due notice was published in the official newspaper of the Town of Sherman that the study had been concluded and that a public hearing would be held on April 8, 2021 at 7:05 p.m. at The Town of Sherman, 111A Mill St, Sherman, NY 14781; and

WHEREAS, a public hearing was held by the Town of Sherman on said date and time to consider the study and the proposed Joint Plan of the Towns; and

WHEREAS, the Town of Sherman has determined that it will participate in the Joint Plan providing for the election of a single town justice to preside in the town courts of the four towns as more particularly set forth in the Joint Plan:

NOW, THEREFORE BE IT

RESOLVED, that the Town of Sherman hereby adopts the Joint Plan of the Towns of French Creek, Mina, Clymer, and Sherman pursuant to the provisions of subdivision 4 of section 106-b of the Uniform Justice Court Act of the State of New York.

RESOLUTION #28

Concilman Ben Nickerson made the motion, seconded by Councilwoman Bessie Endress that the Town of Sherman Town Board accept the Resolution Adopting the Joint Plan of the Town of French Creek, Mina, Clymer and Sherman. **MOTION CARRIED.**

| | | |
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| Adopted | James Higginbotham | Aye |
| | Bessie Endress | Aye |
| | Howard Crump | Aye |
| | Ben Nickerson | Aye |

- Deputy Supervisor James Higginbotham presented the following Resolution:

JOINT RESOLUTION OF THE TOWNS OF FRENCH CREEK, MINA, CLYMER, AND SHERMAN ADOPTED PURSUANT TO SUBDIVISION 5 OF SECTION 106-b OF THE UNIFORM JUSTICE COURT ACT OF THE STATE OF NEW YORK

Pursuant to subdivision 5 of section 106-b of the Uniform Justice Court Act of the State of New York, be it jointly resolved by the Town Boards of the Towns of French Creek, Mina, Clymer, and Sherman as follows:

1. The number of Town Justices in the Towns of French Creek and Mina has already been reduced to one, now filled by the Honorable Denis Cooper, pursuant to a prior joint

resolution between those two towns under section 106-b of the Uniform Justice Court Act. The number of Town Justices in the Town of Sherman has been reduced from two to one and the current office is filled by the temporary appointment of the Honorable Christopher Penfold. The number of Town Justices in the Town of Clymer also has been reduced from two to one and the current office is filled by the temporary appointment of the Honorable Denis Cooper. It is anticipated that if the State Legislature timely enacts this Joint Resolution, the first general election covering all four towns will be held in November 2021. The four Towns will continue to maintain separate finances and case reporting in their courts and shall retain their portion of fines levied as New York State Law requires. The Towns will enact a shared-facilities agreement establishing the Mina Town Court as the physical location from which all four courts will operate beginning as soon as the consolidation process is completed and approved. Each Town will be responsible for the annual costs of its court as agreed upon in the Joint Consolidation Plan and as may be amended from time to time.

2. Upon adoption of this Joint Resolution by the Towns of French Creek, Mina, Clymer, and Sherman, this Joint Resolution shall be forwarded to Senator George Borrello and Assemblyman Andy Goodell for introduction to the New York State Legislature and shall constitute a municipal home rule message pursuant to Article Nine of the New York State Constitution and the Municipal Home Rule Law.

3. This Joint Resolution shall not take effect until State legislation enacting this Joint Resolution shall have become law.

RESOLUTION #29

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to accept the Joint Resolution of the Towns of French Creek, Mina, Clymer, and Sherman Adopted Pursuant to Subdivision 5 of Section 106-b of the Uniform Justice Court and act of The State of New York.

MOTION CARRIED

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|----------------|--------------------|-----|
| Adopted | James Higginbotham | Aye |
| | Bessie Endress | Aye |
| | Howard Crump | Aye |
| | Ben Nickerson | Aye |

*Greg Osman- CEO gave his monthly report as follows:

Number of inspections for March is 17

Number of inspections this year is 43

Number of Permits issued for March is 0

Number of Permits for this year is

Dollar Amount of Permits for March is \$0

Dollar amount of Building this year are \$50,000

Miles traveled for March is 70

- Town Resident Paul Sears explained his issues with the ditch that runs in front of his property and requested that the Town help to put a 100 ft sluice pipe between his two driveways. Deputy Supervisor Higginbotham explained that it is Town policy that the homeowner pay for the pipe and that the Town Highway Dept. will do the work to put the pipe in and cover it up.
Mr. Sears agreed to purchase the pipe if the Town Highway Dept. will put it in.

- Town Resident Greg Rater updated the Town Board on his ongoing trials with NYS DEC and County Legislators. Mr. Rater felt that he is starting to see some progress in the fact that the DEC is supposed to perform a delineation on his property in May.

APPROVAL OF MINUTES

RESOLUTION #30

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to approve the minutes from the last board meeting. MOTION CARRIED.

RESOLUTION #31

ABSTRACTS/CLAIMS

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to approve payment of General Claims #37 through #54 in the amount of \$9,301.73. Highway Claims #35 through #48 in the amount of \$14,465.83. MOTION CARRIED.

JUDGE'S REPORT

Judge Penfold's monthly report show's fines of \$293.00, civil fees of \$490.00 and surcharges of \$684.00 for a total of \$1,467.00.

CLERK/REGISTRAR'S REPORT

- Clerk Weise reported that she finished tax collection on Thurs. April 1st and that there were 120 uncollected parcels.
- The Clerk received notice that the Town of Sherman needs to redo the Franchise Agreement and Public Hearing for the Approval of a Cable Television Agreement with Time Warner/Spectrum. The reason being that in the newspaper posting for the hearing it said it was to be held in Sheridan rather than Sherman.

RESOLUTION #32

Councilman Ben Nickerson made the motion, seconded by Councilwoman Bessie Endress to set he Public Hearing on the Cable Television Agreement between Spectrum Northeast, LLC and the Town of Sherman for May 6, 2021 at 7:05 p.m. at The Town of Sherman Office, 111A Mill St., Sherman, NY 14781. MOTION CARRIED

The Following Fund Balance was presented as follows:

| | | | |
|-----------------|-------------|------------|-------------|
| Justice Holding | \$3,505.00 | | |
| Highway | \$40,638.32 | | |
| General | \$17,692.52 | | |
| Youth Checking | \$ 189.42 | | |
| Youth Savings | \$ 4,873.08 | | |
| General CD's | \$75,009.69 | General CD | \$80,000.00 |
| | \$75,009.69 | | |
| Highway CD's | \$75,009.69 | Highway CD | \$60,000.00 |
| | \$75,009.69 | Highway CD | \$60,000.00 |

All four CD's are to mature on May 6, 2021

Three CD's to mature on 4/8/2021

ASSESSOR'S REPORT

March Assessor' Report:

- There were 5 deeds recorded in January
- I will begin field reviewing new construction and demolition this month through April.
- The exemption application deadline has passed, and most of the exemption applications have been processed at this time.

GRIEVANCE DAY

RESOLUTION #33

Councilman Howard Crump made the motions, seconded by Councilman Ben Nickerson that the 2021 Grievance Day for the Town of Sherman is set for May 26, 2021 from 4:00 – 8:00 p.m. at the Accessors Office at the Findley Lake Community Center. MOTION CARRIED.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Dennis Sweatman reported the following to The Town Board:

- Dennis was contacted by Bridge NY advising him that there is monies available to the Towns for replacement/ work on bad sluices and culverts. Dennis would like to have the engineer for the projects look into the pipe on Freeman Rd as a possible project to be done and see if it meets the actual criteria. In order to have the engineer come out and evaluate the project the Town needs to hire an engineer at the cost of \$500 - \$1000.

RESOLUTION #34

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to go ahead and hire an engineer at the cost of \$500- \$1000 to look at pipe on Freeman Rd to see if it meets the criteria for the Bridge NY funding.

MOTION CARRIED

- The Highway Superintendents where told that the CHIPS funding was projected to go up 35% for 2021 and they would be giving back 15% more from 2020. Dennis would like to have the 15% he is getting back put into the Item #1 DB5110.4 as he had to use monies from that account to cover the CHIPS deficit from 2020.

RESOLUTION #35

Councilwoman Bessie Endress made the motion, seconded by Councilman Ben Nickerson when received to put the 15% from the CHIPS funding into the Highway Item #3 DB5110.4 account.

MOTION CARRIED

SUPERVISOR

Deputy Supervisor James Higginbotham informed the board that the Town of Sherman is supposed to be receiving “Stimulus” monies and he would like the board members / Clerk and Highway Superintendent to think about possible projects that we could use the money for.

Councilman Howard Crump made the motions, seconded by Councilman Ben Nickerson to adjourn the meeting.

MEETING ADJOURNED AT 8:22 p.m.

Respectfully Submitted,

Tamer M Weise
Sherman Town Clerk