

# **VILLAGE OF SHERMAN**

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

**Wednesday, February 8, 2023, at 6:00pm**

Mayor Colleen Meeder called the meeting to order at 6:00pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, and Gary Emory; Chief Operator Jay Irwin; Clerk-Treasurer Jeanette Ramm; Residents Danielle Crane, Carol Chase, Hewitt Meeder, and Kyle Rhebergen; Chautauqua County Junior Planner, Lauren Sharp; and the press were in attendance.

### **PRESENTATION**

The mayor introduced **Lauren Sharp**, Junior Planner with the Chautauqua County Department of Planning and Development, and facilitator of Agricultural District 7 (Clymer, French Creek, Harmony, Mina, North Harmony, and Sherman). She presented the current 8-year agricultural review. She handed out maps and explained the process for landowners to register or deregister agricultural land, the object being to protect agricultural land. The information and registration forms will be available on the village website for the month of March. Marty Proctor asked if this is the only time to add agricultural land, and Ms. Sharp said you can add land every January (the inclusion month) but you can only remove land every 8 years as part of the 8-year review.

### **RES 2023-02-08.1: MINUTES**

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held January 11, 2023, and the Joint Public Hearing held with the Town of Sherman on February 2, 2023.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

Motion to suspend the regular meeting and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 4      Nays: 0      Carried

## **MUNICIPAL ZONING BOARD MEETING:**

### **RES 2023-02-08.2: ANNUAL DUMPSTER SPECIAL USE PERMITS**

Motion to approve the following annual dumpster permits:

- 129 Kendrick Street – residential with no conditions
- 118 Columbia Street – residential with no conditions
- 114 West Main Street, Cooler Bar & Grille – commercial with no conditions
- 125 Church Street, North Haven Apartments – commercial with no conditions
- 107 Church Street, Community Church – commercial with no conditions

Moved by Trustee Sanders      Seconded by Trustee Emory

Ayes: 4      Nays: 0      Carried

Greg Gormley is still working on the case with the resident on West Main Street, which has involved the Sheriff's Office, Department of Health, animal control, and CPS. It has resulted in several court

appearances and the neighbors are still very unhappy, but we can only operate within the law. Mr. Gormley and our attorney will be attending her next court appearance.

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board of Trustees.

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

## **REGULAR BOARD MEETING:**

### **DEPARTMENTAL REPORTS FROM CHIEF OPERATOR**

#### **SEWER**

- We installed a new mechanical seal on the other DIP system pump and will need to reinstall the pump.
- We have been working with the Department of Health (Bill Boria) on the Shared Service Co-operative and on our Asset Management program with New York State
- We are also in conversation with Cherry Creek regarding shared services, similar to what we did with Little Valley, as they are in need of water and sewer operators at this time.

#### **WATER**

- H&K will be coming back to start working on the filters.

#### **STREETS**

- The holiday lights along Main Street have been changed.
- Street lights - Mr. Irwin requested to have one of the school lights brightened in October, we found out the delay is due to the NG employee retiring. National Grid will work directly with the school regarding the additional lights in front of the school.

### **CAPITAL PROJECT UPDATES**

#### **SEWER**

- the project is moving slowly. We are still waiting for the Master Control Center (MCC) which is now expected to arrive in late April.
- As we approach the project completion, we move from New York State funding to federal funding. Both funders are unwilling to be flexible in their financial procedures, so with our engineer's help, we are trying to come up with our final contractual expenditures (as close to the \$7million as possible), before we transition to closing on long term financing. These figures will then be fixed, even though we don't know what our contingencies will be, and if we don't come in close enough to the \$7M we will have to pay the 25% back to WIIA.

#### **WATER**

- We are waiting for the VFD's (variable frequency drives) for both wells. Moley Magnetics (our new Badger supplier) may have a VFD that meets the project specifications which would allow us to continue with the project.
- We will be doing a change work order to include the Osborne Street connection, resolution number 8.

## **STORMWATER**

- Doug Crane will begin working on Park Street next week, the dig notices were placed today.

### **Update on other grant funded applications:**

New York Main Street (NYMS) - We will be sending out applications to all the businesses in the target area on Main Street. We have a Zoom meeting set up with all the property owners and businesses and hope to have all the applications back within 30 days. Once the applications have been received the Steering Committee will begin to make their selection. The difficult part will be deciding on the colors, size, shape, and placement of business signs along the awnings. There seems to be consensus regarding removing the braces from the pillars which have no structural value and give Main Street a western look. Another issue could be the businesses changing ownership as we need ALL the businesses to participate.

Chautauqua County Partnership for Economic Growth (CCPEG) - We have not heard back from the CCPEG about the \$50,000 we applied for to supplement the NYMS grant award.

Electronic Vehicles (EV) - The electronic vehicle charging stations will be delivered at the end of this week, which is earlier than expected. There is still a lot of preparation work that is needed before they can be installed.

CDBG Housing Rehabilitation Grant – We recently learned that Eileen Powers, our CHRIC administrator, passed away suddenly. We know CHRIC will need some time, but NY State is waiting for our HCR report, and they are still following a timeline and want to meet with us next week to figure out what the next steps will be.

## **COMMITTEE UPDATES**

Planning Board – The board met at the end of January and went over the current projects that were just discussed.

Sherman Day committee – The next meeting will be on February 21<sup>st</sup> at 6pm at the Cooler. They are encouraging anyone who wants to help or be involved to come to their meetings.

## **MAYORAL ADDRESS**

- **Donated Buildings** - We have a party interested in purchasing two of the donated buildings on Main Street. They want to put in an application to participate in the Main Street grant program so the board's decision should be quick.
- **Trustee Appointment** - the mayor would like to appoint a new trustee to fill the empty seat at the next meeting.
- **Comp Plan Update** - There is a correction needed to be made to the Comprehensive Plan regarding the historical value of the buildings on Main Street, which Clinton Brown Company Architecture (CBCA) discovered while looking into the Main Street project. CBCA specialize in historical assets and their preservation and are working to reword a few lines to clarify their historical value.
- **Form E** - We will need to do another Form E for the WWTP upgrades once everything has settled and the contractual updates are final. The screwpress contact finally came in even

though the bid was accepted months ago, so we can make those changes to the Form E for Rural Development.

- **Additional Street Lights** - Once it is finalized with National Grid, a resolution will be made to add 3 more lights on Park Street, along the school parking lot facing the street, 1 additional light at the school bus circle and 1 light at the playground. It costs roughly \$1,500 per light and we're looking at 5 new lights and an increase in lumens to an existing light.
- **Audit Report** - We received the Single Audit (organization-wide financial statement and federal awards audit) report from Johnson, Mackowiak & Associates, LLP which was required if our municipality expended \$750,000 or more in federal funds this year. We didn't meet the threshold but came extremely close. Once the mayor has read through the audit the board will accept it at the next meeting.
- **Boundary** - When John Patterson was mayor the county attempted to make changes to the Village boundary, which were never officially implemented. Matt White of White Land Surveying, Inc, was authorized to go over each property title and deed lining the village limits to create the actual incorporated limits, including the changes to incorporate the Water system which changed the boundary in 1908. And now after 5 years we have a final boundary which will become the new Incorporated Village Boundary. Once this is finalized, Heather Young-Deyell, the assessor, will make any changes to the Village Tax Roll which is done in April for the June taxes. Any properties that are moved outside the Village will be removed from the tax roll and their water and sewer rates will be adjusted to "outside" services.
- **Memorandum of Understanding** – Roberta Tenpas found a memorandum of understanding between the Village of Sherman and the Sherman Historical Society, signed by the previous Mayor, John Patterson, and Hazel Halter. This defines the management of the Yorker Museum which is deeded to the Village of Sherman. It is under the care, custody, and control of the Village of Sherman and therefore insured by the Village as a village asset.

## **PUBLIC PARTICIPATION**

Marty Proctor mentioned that the Chautauqua County is considering giving active volunteer fire fighters relief on their property taxes, very similar to the STAR program. The details and parameters would be decided by each local municipality. The idea is to encourage involvement in the much-needed volunteer emergency services. The mayor responded that it is a good idea, and we would be in support of it. But for a small tax pool such as the village, releasing one group of taxpayers (no matter how deserving) means that the other residents' bills would increase. For example, Hewitt Meeder is a veteran and the tax relief for the Meeder family would mean an increase in taxes for say, Carol Chase.

Mr. Proctor also mentioned that the county is looking at implementing a new law regarding the decommissioning of solar panels, forcing them to be recycled and no longer allowing them to end up in the landfill.

## **FINANCIAL REPORTS FROM CLERK-TREASURER:**

General Checking Account: Balance (01/10/2023) is \$19,017.75 & book balance \$15,977.77

NYS Fund Bank Account: Balance (01/10/2023) is \$0

Sewer Project Bank Account: Balance (01/10/2023) is \$130,942.54 & book balance (\$806,259.36)

Water Project Bank Account: Balance (01/10/2023) is \$0.01 & book balance (\$75,001.66)

Stormwater Project Account: Balance (01/10/2023) is \$83,007.60

Parks Fund Account: Balance (01/10/2023) is \$30,454.36  
Climate Smart Account: Balance (01/10/2023) is \$173,481.25 & book balance \$139,714.75  
CD Account: Balance (01/10/2023) is \$0  
CD Transfer: N/A

**RES 2023-02-08.3: VOUCHER #9 2023**

Motion to accept Voucher #9 for \$499,830.73 for January 2023, of which \$109,933 is from the NYS Special Fund, \$162,908.16 is from the Sewer Project Fund, \$74,524.67 is from the Water Project Fund, \$0 is from the Parks Fund, \$0 is from the Stormwater Project Fund and \$33,766.50 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

**OLD BUSINESS:**

There was no old business discussed.

**NEW BUSINESS:**

**RES 2023-02-08.4: PRESERVE NY GRANT APPLICATION FOR YORKER MUSEUM**

**Motion to approve and authorize the mayor to sign the documents related to the Sherman Yorker Museum Restoration Project, including the engagement of Clinton Brown Company Architecture for \$20,000 to prepare the Historic Structure Report (HSR), with the application and award from the Preservation League of NYS for a \$14,000 Preserve NY grant, and support the Sherman Historical Society's application for a grant through the Chautauqua Region Community Foundation.**

**WHEREAS**, the Village of Sherman holds the deed to the buildings and the property known as the French Creek Yorker Museum; and

**WHEREAS**, the Sherman Historical Society (SHS) is a dedicated caretaker and manager of the property used for display, tours, and social functions; and

**WHEREAS**, in 2009 the Village of Sherman engaged Clinton Brown Company Architecture (CBCA) to provide the Reconnaissance Level Historic Resources Survey in 2010 identifying the Yorker Museum as an "interpretive, open-air history museum", or what is commonly referred to as a living history museum; and

**WHEREAS**, the Sherman Historical Society has identified several repairs and restoration needs including, but not limited to, the Chapel and General Store Foundations, Buggy Shed Doors, Peter Ripley House floor, sills, soffit, and possible floor joist; and

**WHEREAS**, the Village of Sherman and Sherman Historical Society sees the value in pursuing the application to the National Register of Historic Places to draw touring history enthusiasts and national attention to the museum and bring grant opportunities for the restoration and maintenance of the museum into the future; and

**WHEREAS**, as a statewide nonprofit organization, supported in part by the NYS Council on the Arts, championing preservation, revitalization, sustainable economic growth, and the protection of our historic buildings and landscapes, the Preservation League of New York State offers a \$14,000 Preserve New York (PNY) grant due by 5pm March 31, 2023; preapplications due by 5pm March 24, 2023;

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Sherman, New York, does hereby support the Sherman Historical Society's application to the

Chautauqua Region Community Foundation for up to \$20,000 in grant funds for the restoration and repairs to the buildings at the Yorker Museum and for the local match towards the Village of Sherman's application for the Preserve NY grant for the Yorker Museum; and

**BE IT FURTHER RESOLVED**, that the Village of Sherman is applying to the Preservation League of NYS for a Preserve NY Grant of \$14,000 in grant funds toward a Historic Structure Report on the Yorker Museum; and

**BE IT FURTHER RESOLVED**, that the Village of Sherman is engaging Clinton Brown Company Architecture for the purposes of preparing a Historic Structure Report (HSR) on the Yorker Museum for \$20,000, payable only if awarded the Preserve NY grant; and

**BE IT FURTHER RESOLVED**, that the mayor is authorized and approved to sign all documents.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of Sherman by a motion from Trustee Watson and seconded by Trustee Emory on February 8, 2023, the result of which 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 2023-02-08.5: GAS WELL AND GAS LINES ALONG RT 430**

Motion to approve and authorize the mayor to sign the Request for Transfer of Well Responsibilities with the NYSDEC for the gas well located on SBL 328.00-1-10.2 and other related documents; and to approve and authorize the mayor to sign and initiate any and all necessary actions required for the gas line to be relocated including management of surface rights on SBL 328.00-1-11, under the advisement of the village attorney.

Moved by Trustee Emory      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

#### **RES 2023-02-08.6: e&b2 AMENDMENT FOR WWTP RESIDENT INSPECTOR**

Motion to approve Amendment No. 2 to the agreement between the Village of Sherman and e&b Squared for the professional services for the WWTP resident inspector originally dated February 2, 2022, and approve and authorize the mayor to sign the agreement. This amendment is for an additional \$24,000 in services. (*Within the \$100,000 budgeted amount for resident inspection.*)

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

#### **RES 2023-02-08.7: SCHEDULE SPECIAL MEETING**

Motion to schedule a Special Meeting for Wednesday, February 22<sup>nd</sup>, at 6pm at the Village Municipal Office of the Village Municipal Board to resolve actions required within the period of February and other related items that were not fully prepared for the Regular February Meeting.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 4      Nays: 0      Carried

#### **RES 2023-02-08.8: WATER PROJECT – CHANGE ORDER #4 – OSBORNE STREET.**

Motion to approve the fourth change order with contractor J.D. Northrup for the Water Improvement Project:

Change Order No. 4

To add the replacement of an additional 200 LF section of water main and appurtenances across Osborne Street.

The increase from Change Order 3 totals \$25,333.44, bringing the No. 1A – General Construction cost total to \$1,347,884.94.

Moved by Trustee Watson      Seconded by Trustee Emory

Ayes: 4      Nays: 0      Carried

**RES 2023-02-08.9: IRS MILEAGE RATE OF 65 ½ CENTS**

Motion to accept the IRS mileage of 65.5 cents, effective January 1, 2023.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 4      Nays: 0      Carried

**Motion to move into Executive Session at 7:10 pm** to discuss legal contractual, with no action to be taken following the executive session.

Moved by Trustee Sanders      Seconded by Trustee Emory

Ayes: 4      Nays: 0      Carried

**Motion to adjourn the meeting at 9:02 pm.**

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 4      Nays: 0      Carried

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer

Next Meeting:      Joint Public Hearing Monday, February 13<sup>th</sup>, 2023, at 6pm Fire Hall  
                            Special Meeting Feb 22  
                            Regular Board Mtg Wednesday, March 8<sup>th</sup>, 2023, at 6pm