

**VILLAGE OF SHERMAN**  
**REGULAR MEETING OF THE BOARD including an**  
***Open Forum Discussion of the Public on Cannabis Laws and Option to Opt-Out***  
**& MEETING OF THE MUNICIPAL ZONING BOARD**  
**Wednesday, November 3<sup>rd</sup>, 2021 at 5:30pm held by Zoom.**

*As a precautionary health measure, the Village had to change the meeting from in-person to zoom, late on Monday afternoon. Clerk Ramm put a legal notice in the Post Journal, posted it at the post office, bank, and on the Village Office door. Village Trustees, Planning Board Members, members of various committees and David Prenatt, WR & PJ Reporter, were contacted directly about the change, which was also posted on the website www.shermanny.org.*

**From the location of the Village Office, the Mayor called the meeting to order at 5:34 pm**, after directing a few seeking an in-person meeting to the website to participate. There were as many as 17 in attendance online or who called in, not all were identifiable. Village representatives in attendance were Mayor Colleen Meeder, Trustees: Ryan Sanders, Kirk Ayers, Dennis Watson, and Gary Emory, Chief Operator James Irwin, Clerk Jeanette Ramm and Rebecca Minas (B&L).

**In response to the previous discussion forum held on October 6<sup>th</sup>, Mayor Meeder presented the following information:**

**Mayor's Notes on Marijuana Retail Sales in Sherman:**

- 1) Marijuana was legalized in NYS. The question is not if the Village is for or against marijuana. The question is ‘will we adopt a local law to Opt-Out of retail dispensaries and on-site consumption’.
- 2) To adopt a law, you must identify the ‘purpose’: What is the intent of the law? What are we trying to prevent?
- 3) Separate perception from facts:
  - Cannabis is legal, we are not outlawing cannabis. “***The impacts are here regardless.***”
  - Marijuana can be smoked, vaped, consumed in edible form, and applied topically.
  - You must be 21 years old to grow, possess, or consume it – that includes ***purchasing*** it.
- 4) 10/6 Statement was presented, “Why if you’ll be able to grow it in your home (in 2022), would you need to buy it from a dispensary?” *Narrowly defined ‘joint’.*
- 5) Retail Cannabis Sales:
  - Legal, licensed, and regulated
  - Safe – not laced with additional addictive or other dangerous substances
  - Variety of types and flavors for various preferences and uses
  - Grown, harvested, and handled in ways preventing mold, mildew, and other pathogens
  - Marijuana is often used for medicinal purposes
    - i. aside from official ‘medical marijuana’ scripts
    - ii. as a sleep aid, to prevent nausea, vertigo, treat migraines, and for pain relief
    - iii. as an organic treatment similar to the use of vitamin supplements over prescription medications
  - Products are commonly purchased for pets

6) Crime Concerns:

- Marijuana is currently a cash business
  - i. legislation is proposed to allow banks to accept money from legal cannabis activity
- Black Market
  - i. cannabis cannot be grown ***and sold*** without a license, **all other sales are illegal**
  - ii. in 2022, it will be legal to grow a total of 6 mature and 6 immature plants (for two+ adults), in a secure space in the home (away from those under the age 21), for personal consumption, not for sale
  - iii. illegal marijuana growing operations are increasing because they are inconspicuous - a large, unfinished basement can support hundreds of plants
  - iv. the availability of clean, safe, quality cannabis through legal retail sales is not the cause of increased black-market sales
  - v. WE ARE NOT DEBATING THE LEGALIZATION OF MARIJUANA – **the impacts** of the legalization, including the black market, **are here regardless**
  - vi. the increased availability of legal, regulated cannabis products has not increased the black market
- DUI Driving Under the Influence
  - i. not legal
- Underage Use of Marijuana
  - i. not legal
  - ii. retail dispensaries & on-site consumption businesses can't sell to those under 21
  - iii. the school does not take a formal position on the subject, but in discussion it was viewed similarly to liquor, legalized by NYS for appropriate adult consumption, dangerous if made available to those under the age of 21
  - iv. how to explain marijuana to kids? – Educate kids about the dangers of marijuana use the same as cigarettes, vaping, alcohol, and sex for those under 21, (*pornography and gambling later were discussed by members of the public as other legal but potentially dangerous, addictive, and destructive things to families*)

7) “We don’t want to draw riffraff”, etc.

- Perception of “who” these businesses will attract is based on limited knowledge and prejudices from one’s own personal experience
- What does ‘riffraff’ imply...
  - i. Definition – disreputable or undesired people
  - ii. Those in poverty? Not with the high cost of the product and tax
  - iii. Those with questionable character? – Based on what standard? Their desire to purchase a legal product?
- Reality is it will attract ‘traffic’ of those including doctors, lawyers, engineers, professionals, including teachers, “soccer moms”, and owners of arthritic pets

8) Bakery - relating through an *analogy* for clarity to understand why someone would want a retail option when they can grow it themselves:

- Everyone can bake a Betty Crocker Cake Mix at home with Pillsbury Frosting

- Bake sales offer the same – homemade – option, but there is a ‘risk’ of boogers in the brownies, hair in the cupcake, unknown home of origin
- At Eileen’s Special Cheesecake bakery in NYC there’s an assortment of specialty items from cookies to cannoli’s, pies, mousse and of course NY Style Cheesecake!
  - i. That is the comparable experience of growing it in your basement for personal use and purchasing from a retail dispensary
  - ii. You have to have the (secure) space and ability to grow your own plants
    - 1. Ability to grow... different strains, breeding
    - 2. Knowledge of when to harvest, ripening of buds
    - 3. Dry and cure for use
    - 4. Inconsistent THC content
  - iii. Some may not want to grow it on their personal property where children live
  - iv. Growing your own plants would still require processing to become edibles and topical ointments
  - v. Retail dispensaries offer a variety of products in a variety of flavors and forms, in a controlled (regulated) environment, that provides the confidence of safety in a quality product

**Mayor Meeder reported the results of the survey which had 131 total responses:**

- 78 indicated they were in support of retail cannabis dispensaries in the Village, of which
- 55 indicated they were in support of on-site consumption in the Village.
- 53 indicated they were not in support of either retail or on-site consumption in the Village.

**Mayor Meeder reviewed Clerk Ramm’s summary of the responses:**

- Those in favor of cannabis retail dispensaries and on-site consumption stated it’s legal, it will fill empty store fronts, bring traffic and business/economic development, provide tax revenue, be a safe alternative, health & medical reasons – that may not otherwise require a ‘medical script’.
- Several indicated that while being in full support of retail dispensaries, they had concerns or objections to an on-site consumption establishment.
- Those opposed to cannabis retail dispensaries and on-site consumption stated they had concerns over what ‘types’ of people this would draw, people standing around smoking, people driving under the influence, the addictiveness of and affects marijuana has on families, children, concern about proximity to the school, the perception or reputation of Sherman as a ‘drug’ community, along with other statements related to the ignorance of the board, and the idiot mayor.

The Mayor then asked the board members to speak and opened it up to the public. Mary Swanson did not feel the summary represented her comments and she read her concerns related to the effects marijuana has on families and children. April Pratt presented statistics from Colorado studies and her concern about marijuana in Sherman. Kristin Irwin reminded the board that the regulations around cannabis licenses have not yet been defined by NYS and stated this is hasty when we could Opt-Out now and reconsider opting back in after we have more information, like most local municipalities have. Jennifer TeWinkle reiterated the single perception of a joint and addiction does not represent the full picture of cannabis use, the importance of the availability of safe regulated cannabis, the variety of products, and the need for business in Sherman. Martha Sanders was discouraged by the tone from the speakers, she said opinions could be shared without attacks, she

restated that marijuana is now legal and one person should not be imposing their beliefs on another; that it's up to families to educate their kids. She did not believe one business establishment would define an entire community. Mel Swanson mentioned Sheriff Quattrone drafted a list of concerns and shared them with municipal leaders, a list the Mayor said she has not seen. Trustee Kirk Ayers discussed the challenges of making decisions that impact all who the board represents. Without divulging names and details Mayor Meeder shared that many have approached her about ways cannabis has improved their quality of living through a variety of ailments, used in ways to supplement or a natural way to replace toxic prescriptions with multiple side effects, and used to 'exit' drug addiction. The Mayor concluded by explaining the steps to adopting the proposed local laws for opting out of cannabis retail dispensaries and on-site consumption; first the Village Trustees would need to accept the resolution to introduce Local Laws (LL) 2&3 and schedule a public hearing for December 8<sup>th</sup>; then on December 8<sup>th</sup>, following the public hearing the trustees would need to adopt LL 2 and LL 3.

### **Village responsibility**

- Understand "the question" before us
- Identify "the purpose" of what we intend to prevent
- Adopt a law "using facts", not fears based on perception and lack of knowledge
  - i. The question: to Opt-Out, or disallow businesses to be permitted to offer legal sales of cannabis through retail dispensaries and on-site consumption
  - ii. The purpose: the Village is adopting the opt-out law to prevent (insert explanation of intent) \_\_\_\_\_ in its pursuit of the Village's mission statement:  
*The Village of Sherman exists to facilitate the needs of the community in areas of health, safety, and welfare, business and economic development, public works and sanitation, historical preservation, parks and recreation.*
  - iii. Based on Facts (list):\_\_\_\_\_

The public participation regarding Cannabis Retail Dispensaries and On-Site Consumption Public Participation concluded at 6:32pm.

### **RES 2021-11-03.1: MINUTES**

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held October 6<sup>th</sup>, 2021.

Moved by Trustee Kirk Ayers      Seconded by Trustee Ryan Sanders

Ayes: 4      Nays: 0      Carried

**The Village is grateful for the dedicated service of Trustee Donna Lee Higginbotham who served the Village of Sherman for over eight years after her initial election on April 3<sup>rd</sup>, 2013.**

### **RES 2021-11-03.2: TRUSTEE RESIGNATION, DONNA LEE HIGGINBOTHAM**

Motion to accept the letter of resignation from Trustee Donna Lee Higginbotham dated and received Friday, October 15, 2021, effective immediately, whose term was ending Monday, December 6, 2021.

Moved by Trustee Dennis Watson      Seconded by Trustee Kirk Ayers

Ayes: 4      Nays: 0      Carried

Trustees serve 4-year terms, beginning the first Monday of the month following the election.

### **RES 2021-11-03.3: TRUSTEE POSITION FULFILLMENT, GARY EMORY**

Motion to accept the fulfillment of the trustee vacancy with Gary Emory as a result of the uncertified election results from Tuesday, November 2, 2021, to be effective through the term ending Monday, December 6, 2021.

Moved by Trustee Ryan Sanders      Seconded by Trustee Dennis Watson  
Ayes: 4      Nays: 0      Carried

*Trustee Gary Emory was sworn in by Mayor Meeder.*

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

Moved by Trustee Gary Emory      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

## **MUNICIPAL ZONING BOARD MEETING:**

**Public Notice** – The Mayor explained the public notice regarding the inclusion of viable agricultural lands into existing agricultural districts, as per NYS Ag & Markets Law Section 303-b.

### **RES 2021-11-03.4: SIGN SPECIAL USE PERMIT**

Motion to approve the Sign Permit for Sweet Meadow Shoppe located at 119 West Main Street at no cost to promote the economic development of the Village.

Moved by Trustee Dennis Watson      Seconded by Trustee Kirk Ayers  
Ayes: 5      Nays: 0      Carried

Motion to close the Municipal Zoning Board Meeting and resume the Regular Meeting of the Board.

Moved by Trustee Kirk Ayers      Seconded by Trustee Gary Emory  
Ayes: 5      Nays: 0      Carried

## **REGULAR BOARD MEETING:**

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

- **Water** – everything is moving ahead with the water project. Sidewalks are being put in and front lawns reclaimed.
- **Streets** – we have planted the last of the trees, leaf pick up will continue, and the snow equipment is all ready for the season.
- **Sewer** – we are ready for the bids, which will be discussed in detail under capital projects.

### **Update on other Grant Funding Applications (non-CFA):**

**DEC ZEV (Zero-Emission Vehicles)** - The NYSDEC awarded the Village a rebate of \$217,200. The last NYSDEC communication (10/12) stated that “the funding is not guaranteed until the contract is formally executed. Since the contract is over \$50,000, it cannot formally move to execution until the round (5) closes and the comptroller’s office has approved the procurement.”

The Village will be conducting the SEQRA for the EV Charging Stations, and is requesting a topographical map from Matt White, who previously conducted the land survey. The project is reimbursed quarterly and given that timing of construction to reimbursement could be six months, there will need to be a \$200,000 short term bond (for 1 year).

#### **Status of Outstanding Grant Applications (non-CFA):**

**RBDG – Rural Business Development Grant** for signs is still in the process, not yet awarded.

### **CAPITAL PROJECT UPDATES**

#### **COMPREHENSIVE PLAN**

- The report for the final quarter of the Comprehensive Plan has been submitted, we are just waiting for confirmation from the DEC.
- **NYMS-TA** – on 10/22 Alma Brown and her team from Clinton Brown toured the Main Street businesses and gathered a lot of information. We are still considering adding the 130 West Main Street and 106 East Main Street buildings to the project.
- **CDBG-Community Planning** – on 10/18 we received one proposal for the Downtown Market Analysis from Camoin Associates which we will approve at this meeting.

#### **SEWER PROJECT**

- Bids were opened on 10/25
- Received 5 General Construction Bids, 1 for Mechanical, and 1 for Electrical
- Bids came in higher than originally budgeted... (COVID delays and supply shortages)
- Anticipated \$763,000 increase over original budget, before re-bids
- Bond Resolution will need to be amended to reflect this increase in project cost
- Likely we do not need to resubmit an updated request for debt exclusion from the NYSOSC because the USDA RD did not de-obligate loan funds when CDBG awarded \$1.25m
- Jay Irwin reminded everyone that WIIA is also contributing 25% of the remaining unfunded balance

#### **WATER PROJECT**

- Reclamation and hydroseeding is continuing, and new sidewalks
- Starting work on Water Pump Houses

#### **PARKS**

- Nicole Cleary from B&L will do a comprehensive (wide scope) SEQRA for French Creek Parks Projects, including Edmunds Park.

### **COMMITTEE UPDATES**

- None

#### **MAYORAL ADDRESS**

- Halloween was very successful, with clear weather and between 200-260 children reported. Halloween safety is an issue, particularly where kids cross from East Street to East Main Street, where the visibility coming into the Village is minimal and the traffic is not slowed.

Traffic on Main Street is an issue that continues to be brought up to the Village Office, because of speed and noise.

## PUBLIC PARTICIPATION

- Jerry King of East Main Street spoke regarding drainage issues in the rear of his property adjacent to Paul Fisher's property. Soil & Water Conservation met at the site and are making recommendations as to permits, handling of the run-off to French Creek, this may include a solid 4" pipe and 15" tile across the property and the trail. Communications have been directed to Greg Gormley, Code Enforcement Office.

## FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (11/03/2021) is \$66,757.86 & book balance 54,508.54

NYS Fund Bank Account: Balance (11/03/2021) is \$0

Sewer Project Bank Account: Balance (11/03/2021) is \$1.50

Water Project Bank Account: Balance (11/03/2021) is \$10,525 & book balance \$(66,039.30)

Stormwater Project Account: Balance (11/03/2021) is \$92,455.10

CD Account: Balance (11/03/2021) is \$0

CD Transfer: N/A

Account Adjustments: N/A

## RES 2021-11-03.5: VOUCHER #6

Motion to accept Voucher #6 for \$544,266.86 as presented for October 2021, of which \$0 is from the NYS Special Fund, \$68,994 is from the Sewer Project Fund, \$455,025.25 is from the Water Project Fund, \$0 is from the Stormwater Project Fund and \$200 is from the Parks Fund.

Moved by Trustee Kirk Ayers      Seconded by Trustee Gary Emory

Ayes: 5      Nays: 0      Carried

## RES 2021-11-03.6: UNPAID PROPERTY TAX BALANCE

Motion to record in the minutes: The Village 2021-2022 unpaid property tax amount of \$39,206.70 was re-levied onto the 2022 County Taxes as of October 20, 2021.

Moved by Trustee Ryan Sanders      Seconded by Trustee Kirk Ayers

Ayes: 5      Nays: 0      Carried

## OLD BUSINESS:

None

**NEW BUSINESS:** *New Business items were not conducted in order to accommodate the scheduled 7pm review with Barton & Loguidice's Rebecca Minas.*

## **Summary of Insurance:**

Premium last year \$15,790, this year \$18,411, next year \$30,000 (with the addition of the Wastewater and Water improvements). Some areas were still underinsured, and increases under the crime coverage were made to meet grant funding requirements. Premiums overall are going up 9-10% - influenced by the market.

**RES 2021-11-03.7: ANNUAL INSURANCE RENEWAL**

Motion to accept the insurance proposal from Joe Niezgoda, of WNY Insurance Agency, for Trident Insurance effective 11/11/2021; and authorize payment not to exceed \$18,500.

Moved by Trustee Dennis Watson    Seconded by Trustee Gary Emory

Ayes: 5    Nays: 0    Carried

**~~RES 2021-11-03.8: PROPOSED 2021 LOCAL LAWS 2 & 3 – RE: CANNABIS OPT-OUT~~**

Moved: No Action    Seconded:

**The four trustees chose not to resolve the drafted Resolution 2021-11-03.8** to introduce Local Laws 2 and 3 for year 2021 regarding the OPT-OUT of retail cannabis dispensaries and on-site cannabis consumption establishments and have the Clerk-Treasurer post the proposed laws and the Public Hearing of the proposed laws, scheduled for Wednesday, December 8, 2021, at 5:30 at the Village Office at 111 Mill Street, Sherman.

**RES 2021-11-03.9: SHERMAN REGIONAL DRYING FACILITY – LEAD AGENCY**

Motion to declare the Village of Sherman Act as Lead Agency for the SEQRA (State Environmental Quality Review Act) of the regional biosolids processing (drying facility) project with Griffin Residuals, LLC:

Proposed Action: Regional Biosolids Processing Project

**RESOLUTION DECLARING THE VILLAGE OF SHERMAN  
VILLAGE BOARD ACT AS LEAD AGENCY**

**WHEREAS**, the Griffin Residuals, LLC is proposing the Regional Biosolids Processing Project (Proposed Action), located within the Village of Sherman, Chautauqua County, New York; and

**WHEREAS**, the Village of Sherman has received an application and State Environmental Quality Review Act Full Environmental Assessment Form (FEAF) Part 1, submitted by Griffin Residuals, LLC and supporting documentation for approval of the Proposed Action (Application); and

**WHEREAS**, as an involved agency, the Village of Sherman has the authority to coordinate the State Environmental Quality Review Act (SEQRA) process, serve as Lead Agency, and make a determination of significance; and

**WHEREAS**, the Proposed Action includes a ‘Drying as a Service’ (DaaS) Facility to convert approximately 40,000 wet tons of sludge annually into nutrient-rich biosolids on approximately less than 1 acre in the Village of Sherman and site plan review; and

**WHEREAS**, the Village of Sherman has classified the Proposed Action as a “Type I Action” as defined by the SEQRA Regulations (6 NYCRR Part 617.4) and circulated a letter declaring its intent to serve as Lead Agency and complete a coordinated review of the Proposed Action, together with the Application, to other potentially Interested and Involved agencies (Letter); and

**WHEREAS**, thirty calendar days have elapsed from the date the Letter was transmitted to other potentially Interested and Involved Agencies, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Proposed Action; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Sherman Village Board hereby establishes itself as Lead Agency for the Proposed Action.

On the motion of Trustee Dennis Watson and seconded by Trustee Gary Emory, the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Trustee	<u>Aye</u>
Kirk Ayers, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>

Moved by Trustee Dennis Watson    Seconded by Trustee Gary Emory  
Ayes: 5      Nays: 0      Carried

#### **WWTP IMPROVEMENT PROJECT - SEWER BID AWARDS**

Responses for requests for bid proposals were opened on Monday, October 25, 2021 at 2pm for the general contracting, mechanical and electrical project areas. There were 5 bids received for general contracting, and only 1 for mechanical and 1 for electrical. All bids came in higher than previously budgeted. At this time the Village is awarding and rebidding the following:

#### **RES 2021-11-3.10: AWARD OF CONTRACT NO. 1A GENERAL CONTRACTOR**

##### **VILLAGE OF SHERMAN**

##### **RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 1A – GENERAL CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Sherman, held on November 3, 2021, the following resolution was adopted by the Village Board of Trustees.

**WHEREAS**, the Village of Sherman (Village) is the owner of the Wastewater Treatment Plant Improvements Project (“Project”); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for Contract No. 1A – General Construction were received, publicly opened and read aloud on October 25, 2021 at the Village of Sherman Village Hall.

**WHEREAS**, the Village’s Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and H&K Services, Inc. submitted the lowest bid.

**WHEREAS**, B&L provided a Recommendation of Award letter to the Village for Contract No. 1A of the Wastewater Treatment Plant Improvements Project which recommended for the Village to award Contract No. 1A to H&K Services, Inc. for the amount \$4,192,000.00.

**NOW, THEREFORE, BE IT RESOLVED** that based on the recommendation of B&L, the Village of Sherman Board of Trustees hereby awards Contract No. 1A – General Construction of the Wastewater Treatment Plant Improvements Project to H&K Services, Inc. in the amount \$4,192,000.00.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**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 Ryan Sanders and seconded by Kirk Ayers on November 3, 2021, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
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Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Kirk Ayers, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

Moved by Trustee Ryan Sanders      Seconded by Trustee Kirk Ayers  
Ayes: 5      Nays: 0      Carried

Only one bid was received for the electrical portion of the project, and it was 2.5 times higher than budgeted, so under the advisement of our engineers it was decided to rebid the electrical project.

## **RES 2021-11-3.11: REBIDDING OF CONTRACT NO. 1B ELECRTICAL**

### **VILLAGE OF SHERMAN**

#### **RESOLUTION AUTHORIZING THE REJECTION OF ALL BIDS RECEIVED FOR CONTRACT NO. 1B – ELECTRICAL CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Sherman, held on November 3, 2021, the following resolution was adopted by the Village Board of Trustees.

**WHEREAS**, the Village of Sherman (Village) is the owner of the Wastewater Treatment Plant Improvements Project (“Project”); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for Contract No. 1B – Electrical Construction were received, publicly opened and read aloud on October 25, 2021 at the Village of Sherman Village Hall.

**WHEREAS**, only one bid for Contract No. 1B – Electrical Construction was received and that bid far exceeded the engineers estimate for the proposed work;

**WHEREAS**, the Village believes that if the project was re-bid the Village would receive a lower bid price and more contractors may provide bids.

**NOW, THEREFORE, BE IT RESOLVED** that based on the above the Village of Sherman Board of Trustees hereby rejects all bids received for Contract No. 1B – Electrical Construction of the Wastewater Treatment Plant Improvements Project.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**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 Dennis Watson and seconded by Ryan Sanders on November 3, 2021, 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>
Kirk Ayers, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

Moved by Trustee Dennis Watson      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

**RES 2021-11-3.12: AWARD OF CONTRACT NO. 1C MECHANICAL**

**VILLAGE OF SHERMAN**

**RESOLUTION AUTHORIZING THE AWARD OF  
CONTRACT NO. 1C – MECHANICAL CONSTRUCTION FOR THE  
WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Sherman, held on November 3, 2021, the following resolution was adopted by the Village Board of Trustees.

**WHEREAS**, the Village of Sherman (Village) is the owner of the Wastewater Treatment Plant Improvements Project (“Project”); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for Contract No. 1C – Mechanical Construction were received, publicly opened and read aloud on October 25, 2021 at the Village of Sherman Village Hall.

**WHEREAS**, the Village’s Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and Allied Mechanical, Inc. submitted the lowest bid.

**WHEREAS**, B&L provided a Recommendation of Award letter to the Village for Contract No. 1C of the Wastewater Treatment Plant Improvements Project which recommended for the Village to award Contract No. 1C to Allied Mechanical, Inc. for the amount \$151,000.00.

**NOW, THEREFORE, BE IT RESOLVED** that based on the recommendation of B&L, the Village of Sherman Board of Trustees hereby awards Contract No. 1C – Mechanical Construction of the Wastewater Treatment Plant Improvements Project to Allied Mechanical, Inc. in the amount \$151,000.00.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**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 Gary Emory and seconded by Kirk Ayers on November 3, 2021, 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>
Kirk Ayers, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

Moved by Trustee Gary Emory      Seconded by Trustee Kirk Ayers

Ayes: 5      Nays: 0      Carried

**SEQRA – Environmental review of Solar Arrays 1 & 2 with the Village’s engineer, Rebecca Minas of Barton and Loguidice. After submission of the updated Part 1 Form from Solar Liberty, in conjunction with the work of Nation Field Solutions, the Village conducted the Part 2 & Part 3 of the Environmental Assessment Form (EAF), which included supplemental documentation provided by Barton & Loguidice, reviewed by Corey Auerbach of Barclay Damen, Village Special Counsel. The thorough review concluded there would be minimal environmental impact, leading to the following Negative Declaration. Further permitting is required before any notice will be given to Solar Liberty to proceed with construction.**

**RES 2021-11-03.13: SEQRA – SOLAR ARRAYS I & II ENVIRONMENTAL REVIEW**

**RESOLUTION DETERMINING THAT THE PROPOSED SL SHERMAN PROJECT IS A TYPE 1 ACTIONS AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

**WHEREAS**, the Solar Liberty Energy Systems, Inc. is proposing the SL Sherman Project (Project), located in the Village of Sherman, Chautauqua County, New York, and partially within the Town of Sherman west of the Village; and

**WHEREAS**, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

**WHEREAS**, the Village of Sherman Village Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially “Interested Agencies” and “Involved Agencies” (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

**WHEREAS**, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Project; and

**WHEREAS**, pursuant to the SEQRA Regulations, the Village of Sherman Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

**NOW, THEREFORE, BE IT RESOLVED**, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village’s knowledge of the area surrounding the Project, the Village of Sherman Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

**BE IT FURTHER RESOLVED**, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Village of Sherman Village Board, as Lead Agency, hereby directs the Village of Sherman Mayor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Kirk Ayers, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Moved by Trustee Dennis Watson    Seconded by Trustee Gary Emory

Ayes: 5      Nays: 0      Carried

**RES 2021-11-03.14: BOND RESOLUTION \$240,000 LAND PURCHASE ALONG RT 430  
(Not subject to Permissive Referendum).**

Motion to approve the Bond Resolution of the Village of Sherman, Chautauqua County, New York, Adopted on November 3, 2021, authorizing issuance of \$240,000 of bonds for the Village of Sherman to acquire approximately 69 acres of land. See Exhibit A attached for property description.

The following resolution 2021-11-03.14 was offered by Trustee Kirk Ayers, who moved its adoption, and second by Trustee Ryan Sanders to wit:

**BOND RESOLUTION OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, ADOPTED ON THE 3RD DAY OF NOVEMBER, 2021, AUTHORIZING THE ACQUISITION OF APPROXIMATELY 69 ACRES OF LAND AS SET FORTH ON EXHIBIT A AT AN ESTIMATED MAXIMUM COST OF \$270,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$240,000 BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE VILLAGE TO PAY A PORTION OF THE COST THEREOF.**

**WHEREAS**, the Board of Trustees of the Village has determined that it is necessary for the Village to acquire approximately 69 acres of land in two parcels: Parcel #1: approximately 38 acres located on the South side of 191 West Main Street and Parcel #2 approximately 38 acres located at 176 West Main Street, Sherman, New York (the "Land"), both as more fully described in Exhibit A, as part of the Village's Solar Project (the "Solar Project"); and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), the Village is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Village and the approval of this resolution constitutes such an action; and the Village as "lead agency" (as defined by SEQRA) has reviewed the Solar Project and determined by resolution adopted November 3, 2021 that said project is a Type I Action as defined in SEQRA which will not have an adverse impact on the environment; and

**NOW, THEREFORE BE IT RESOLVED THIS 3RD DAY OF NOVEMBER 2021 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:**

**Section 1.** The acquisition of the Land at a maximum estimated cost of not to exceed Two Hundred Seventy Thousand (\$270,000) which is estimated to be the total cost thereof, is hereby approved.

**Section 2.** The plan for the financing of the aforesaid specific object or purpose consists of using \$30,000 of available Village funds and the issuance of \$240,000 aggregate principal amount, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Village which are hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay interest on said obligations.

**Section 3.** The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

**Section 4.** Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law, including the private sale of such notes and/or bonds to the USDA.

**Section 5.** The Village Treasurer is hereby further authorized, at her sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village.

**Section 6.** The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Board of Trustees.

**Section 7.** The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 21 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Land is thirty (30) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

**Section 8.** The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Village's General Fund. It is intended that the Village shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Village's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

**Section 9.** Such bonds shall be in fully registered form and shall be signed in the name of the Village of Sherman, Chautauqua County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Village Clerk.

**Section 10.** If the interest on the obligations authorized herein is intended to be excludable from gross income for federal income tax purposes, the Village hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

**Section 11.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated Official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

**Section 12.** The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the issuance of the Bonds.

**Section 13.** The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 14.** Pursuant to Section 36.00 of the Local Finance Law, this resolution is not subject to permissive referendum because the maturity of the bonds authorized herein will not exceed five (5) years.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village this 3rd day of November, 2021, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Kirk Ayers, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>

Moved by Trustee Kirk Ayers      Seconded by Trustee Ryan Sanders

Ayes: 5      Nays: 0      Carried

**RES 2021-11-03.15: B&L WATER PROJECT AGREEMENT AMENDMENT #1 -\$0**

Motion to approve Amendment No.1 to the agreement between the Village of Sherman and Barton & Loguidice for engineering services for the Drinking Water Improvement Project originally dated March 2, 2020, and accept the mayor's signature on the executed document on October 20, 2021.

This amendment is at the request of the NYSEFC for Adding New Cost Line Items at no cost or scope changes.

Moved by Trustee Kirk Ayers      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

**RES 2021-11-03.16: B&L SOLAR SEQRA REVIEW AGREEMENT AMENDMENT #1**

Motion to approve Amendment No.1 to the agreement between the Village of Sherman and Barton & Loguidice for professional services in reviewing the SEQRA for the SL Sherman Project originally dated February 23, 2021, and approve and authorize the mayor to sign the agreement. This amendment is for an additional escrow amount of \$10,000 of which the first \$5,000 will be the responsibility of Solar Liberty and \$5,000 will be at the expense of the Village of Sherman.

Moved by Trustee Ryan Sanders      Seconded by Trustee Dennis Watson  
Ayes: 5      Nays: 0      Carried

**RES 2021-11-03.17: CONSULTANT SERVICES - DOWNTOWN MARKET ANALYSIS**

Motion to accept the proposal from Camoin Associates, Economic Development, and approve and authorize the mayor to sign the agreement and related documents for consulting services for the Downtown Market Analysis, not to exceed the budgeted \$50,000. (*Proposal presented at the table.*)

Moved by Trustee Kirk Ayers      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

**RES 2021-11-03.18: RE-SCHEDULE DECEMBER REGULAR BOARD MEETING**

Motion to schedule the December Regular Meeting of the Board of Trustees for Wednesday, December 8th, at 6:00pm ~~following the Public Hearing at 5:30 on 2021 LL's 2&3~~; to be held at the Village Office; and post the notice at the Post Office, in the Post Journal and on the website.

Moved by Trustee Gary Emory      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

**No need for executive session.**

**Motion to adjourn the meeting at 8:00pm.**

Moved by Trustee Gary Emory      Seconded by Trustee Ryan Sanders  
Ayes: 5      Nays: 0      Carried

Respectfully submitted,  
Jeanette Ramm  
Clerk-Treasurer

**Next Meeting:      Regular Board Meeting December 8, 2021 at 6:00pm**