

VILLAGE OF SHERMAN

MINUTES OF THE PUBLIC HEARING, REGULAR MEETING OF THE BOARD & MEETING OF THE MUNICIPAL ZONING BOARD Wednesday, December 14, 2022 at 5:45pm

Mayor Meeder called the meeting to order at 5:45pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson (via Zoom) and Gary Emory; Chief Operator Jay Irwin, Clerk-Treasurer Jeanette Ramm; Residents Danielle Crane, Joe Piszczek; Karen Piszczek, Kenneth Labuskes and David Damcott; County Legislator Marty Proctor; and the Chautauqua County Health Department's Bill Boria and Natalie Whiteman were in attendance.

PRESENTATION by CCDOH:

CHAUTAUQUA WATER & WASTEWATER COOPERTIVE PILOT PROJECT

Mayor Meeder introduced Bill Boria from the Chautauqua County Department of Health. Although he recently retired from the Health Department, he has come back to oversee this specific project. Mr. Boria introduced Natalie Whiteman, a water specialist also from the Department of Health. He explained that the county is starting a shared-services project to investigate where small municipal water and wastewater systems can share staff, bulk purchasing/bidding, specialized equipment, mapping facilities, and more. He said Chautauqua County was awarded a \$1.1M grant from NYS Department of State in 2018 to conduct a community planning study for municipalities serving less than 3300 people. \$371,175 of this has been allocated to this pilot project. Initially they have chosen three small municipalities to be a part of the pilot project: Village of Sherman, Town of Cherry Creek, and the Town of Ripley.

The Village of Sherman was asked to participate in the Steering Committee which will oversee this Pilot Project. Mr. Boria said the Village of Sherman is further ahead than others they are working with. Sherman already has mapping capabilities and a mobile app. The Village of Sherman will have two representatives on the Steering Committee, one elected official and one wastewater operator. The steering committee will explore what type of management system will be best suited to oversee this program on a county wide basis. The Wyoming County Water Resources Agency is a non-profit example of an effective cooperative. The goal is to reduce costs by 10%. The Pilot Project will begin in January 2023 and is estimated to be completed in 1½ - 2 years.

.....

Motion to suspend the regular meeting and enter into the Public Hearing of the proposed Local Laws:

- LL 2-2022 At-Large Cats
- LL 3-2022 Unsafe Structures
- LL 4-2022 Zoning Amendments
- LL 5-2022 Code Enforcement Program

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

PUBLIC HEARING ON PROPOSED LOCAL LAWS:

LL 2-2022 AT-LARGE CATS

This law only pertains to outside cats. The purpose is to protect the health, safety and wellbeing of persons and property by imposing restrictions on the keeping and running of at-large cats within the village. The intent of the regulation is to prevent the uncontrolled behaviors of cats that cause physical harm to persons, damage to property, and those that create nuisances within the village, including the spread of disease to other animals. The goal is to mitigate complaints about damage to property, outside furniture, and cats spraying on wood piles which then can't be burned in their home, etc.

LL 3-2022 UNSAFE STRUCTURES

The purpose of this chapter is to protect the health, safety, and wellbeing of persons and property by identifying obvious unsafe structures and through a series of distinct steps eliminate the safety problem in an equitable manner. An unsafe structure is any structure that due to inadequate maintenance, dilapidation, obsolescence, fire/wind, or similar types of damage becomes structurally unsafe, unsanitary, or in any way is dangerous to human life and safety.

LL 4-2022 ZONING AMENDMENTS

The purpose is to amend the Village of Sherman Zoning Code.

Sec 202 DEFINITIONS - added:

- * "Animal", "Food", "Mobile Food Vehicle", "Mobile Food Vendor"

Sec 616 FENCE, WALLS, & HEDGES - revised:

- * completely revised – thoroughly reviewed by the Steering Committee
- * "No fence shall be used as advertising, billboard, or poster purposes."

(Not to be in conflict with the Sign Section - which needs to be revised in 2023; issues regarding "signs" and where they can be placed will be addressed in the revised 2023 amendment)

- * existing fences, walls, & hedges out of compliance with the new law will have 12 months to seek a variance from the ZBA (at no charge)

Sec 636 UNSAFE STRUCTURES – replaced:

- * removed and replaced with LL 3-2022

Sec 641 MOBILE FOOD VENDOR - added new section:

- * a "mobile food vendor ~~license~~ permit" is required from the Village of Sherman
- * 100 ft from a similar business
- * not permitted within R1 Residential or R2 Rural Residential without a Special Use Permit

Sec 642 PERMANENT/SEMI-PERMANENT COVERINGS

- * to prevent interference with the right-of-way and limiting, restricting, or prohibiting access to utility services, e.g. manholes, curb stops, house service lines, water main shut offs, and hydrant guard valves

Sec 702-C FEES, under DUTIES of the ADMINISTRATION by ENFORCEMENT OFFICER revised:

- * revised for fee collection & deposit responsibility of the Clerk-Treasurer, not the Enforcement Official

Sec 704 SCHEDULE OF FEES - revised

- * revised for clarification on how the Board of Trustees adopts the Fee Schedule

Sec 705 ADMINISTRATIVE LIABILITY - added

Sec 1202 PENALTIES - revised

- * revised to clarify all possible ramifications from noncompliance depending on circumstances

LL 5-2022 CODE ENFORCEMENT PROGRAM - repeal and replace as required by 12/30/22

- * revised in order to comply with the New York State Uniform Fire and Building Code
- * the Village proposes the least restrictive law, with the maximum period as recommended by NYS DOS, and the most exemptions from the Building Permit Requirement

Mayor Meeder gave an overview of the laws. She stated that the laws are not meant to be restrictive but ensure the wellbeing and safety of residents. She further explained that the purpose of the fence law isn't to restrict residents but to more clearly define and open it up more so that people didn't have to come in and ask so many questions because the old law was quite vague. Existing fences, walls, and hedges outside of compliance with the new law will have 12 months to seek a variance with the Zoning Board of Appeals (ZBA) at no charge. If a noncompliant fence, wall, or hedge doesn't pose a safety issue or hinder the view of traffic, and is approved by the streets department, the resident won't have to cut down their hedge or move the wall/ fence with a variance. The steering committee was mindful of the residents that would be impacted by this law. Steering Committee member, Ken Labuskes, said we all enjoy the freedoms here, as we are not living in a HOA, and if something is going to be outside the law, a variance can be issued. He added that the update to the fencing law was also to become compliant with New York State law.

During public comments, Joe Piszczek asked if these fees were going to increase the taxes, to which it was explained that the fee is separate to taxes. The fee is to cover the cost of the paperwork and enforcement officer's time. In response to Mr. Piszczek's next question the mayor said you do not need to reapply each year for the special use permit for a permanent fence. Karen Piszczek asked if having a snow fence or temporary fence would require a new permit each year. Mayor Meeder said that a snow fence would require a variance, the resident would need to explain why they need a snow fence in the village, which has such narrow properties that a snow fence would need to be on the neighbor's property to be effective. The stipulations for the snow fence would be set by the ZBA. Mr. Labuskes mentioned that a snow fence would only be useful between the months of November and March. Mayor Meeder added that previously snow fences were put up for other purposes, e.g., as property markers, which the law will now prohibit. In response to Mr. Piszczek, it was explained that previously 'agricultural fences' were completely exempt from the law and now that general exemption has been removed so that all fences be managed under their new categorization. Another issue addressed by the updates is that a fence, wall, or hedge can now go to the line, it is no longer required to be 2ft from the line. Mayor Meeder explained that the Village Board, acting as the Zoning Board, make the laws, and if people want a variance or to appeal a decision, they go before the Zoning Board of Appeals – a separate board who bring balance to the Zoning Board.

Mayor Meeder said that the mobile food vender chapter is to protect local businesses when temporary vendors come in for events. It was also noted that two members of the planning committee have food businesses in the village and were involved in the decisions and allowances given to mobile food vendors.

The permanent/semi-permanent coverings chapter isn't there to prohibit people from putting in a garage with a cement floor or laying a driveway, for example. Its intention is to prevent residents from covering a manhole or water pipe access which may need to be dug up or accessed in the future.

These updates also state that the Enforcement Officer does not handle any money, only the clerk-treasurer. It also clarifies that fees are set by the Village Board and amended by resolution from time to time. Penalties, by the village and state, for non-compliance are also better clarified now.

The changes regarding code enforcement were required by New York State to bring all municipalities into a comparable level of compliance by December 30, 2022. They have a strong clean energy initiative that is also written into this law. They allowed very few opportunities for exemptions, but we allowed for all of them, i.e., no permit for tiling, carpeting, etc. Whenever there was a time frame stipulated, we always allowed for the longest period allowed by NYS law. NYS is putting more responsibility onto the local municipalities, but we cannot be more lenient than the state.

There were no further comments or questions from the public.

Motion to close the Public Hearing at 7:12pm and resume the regular meeting of the Board of Trustees, there is no business for the Municipal Zoning Board.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 3 Nays: 0 Carried

REGULAR BOARD MEETING:

It was noted that because Dennis Watson was not physically present, he was participating as a member of the public. The public officials taking action at this meeting are Trustee Sanders, Trustee Emory and Mayor Meeder.

RES 2022-12-14.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held November 9, 2022.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 3 Nays: 0 Carried

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

- **SEWER** – All the equipment is on site except for the control mechanism which was delayed. Once the control mechanism is on site and installed, the generator connected, all the final valves and pipes installed, the whole system will be powered up. The project is progressing nicely and should close out in the summer of 2023.
- **WATER** – Kyle Rhebergen is doing his walk through for his water certification in the next two weeks. The #2 well is currently being flushed and then tested. The fencing will be put up around the well heads in the spring. The final piece will be the driveway which will be put in at the completion of the sewer project, in the summer of 2023.
- **STREETS** – The trees have been planted along Hart Street and at the individual houses that purchased trees through the tree project.

CAPITAL PROJECT UPDATES

SEWER PROJECT

- **CDBG** – came and did a review ‘an audit of records’ of the \$1,25M construction funds we received. Due to covid it was a virtual review. They provided a checklist of required documents which we sent for their audit. Among the requirements for the project was the appointment of our Labor Standards Compliance Officer. We didn’t do an official resolution, which we remedy this evening. The final close out for CDBG will be when “benefits are available to the residents” i.e., when the new plant is operational. Hopefully our close out will be prior to July so we can apply for further assistance.
- **USDA Rural Development** awarded us a \$2.2M grant along with long-term financing. Closing on the long-term financing will be prior to the completion of construction, and is estimated to be in March, while construction is estimated to be completed in June. Our first payment will be in August with an interest rate of 2.125%.

WATER PROJECT

- The completion of the water project is also June, with the construction of the driveway as the final step.

Update on other grant funded applications:

New York Main Street (NYMS) – on November 10th we were awarded \$358,283 of the \$500,000 we applied for. The Steering Committee will decide what applicants on Main Street will receive what percentage of their project, which can be anywhere between 50 and 75% of their individual project. To supplement this shortfall, we applied to CCPEG.

Chautauqua County Partnership for Economic Growth (CCPEG) – we applied for \$50,000 (which is the full amount you can apply for) to supplement the lower award from the \$500,000 NYMS application. The full estimated cost for the Main Street restoration project is \$858,000, which is definitely going to be adjusted down. We also applied to CCPEG for the local match grant of up to \$50,000 for our Nature Center to work on the stormwater problems. We should hear back within the next month, regarding our Climate Smart Communities application also for stormwater.

COMMITTEE UPDATES

Trail Committee – Patrick Johnson continues to meet with property owners along the Sherman to North Clymer rail bed. They are planning on walking the last section linking Clymer and Sherman. The trail is 28 miles, and this portion is almost 7 miles, which proportionally speaking, is a big piece to be added to the trail. Their next meeting is Sunday December 18th. The committee plans to hold a Trail Ride (fat bikes) on Saturday August 12th, 2023, ending here in Sherman. Chautauqua Rails to Trails is also very interested in getting this going. This means we would have more than 100 people riding to Sherman, and ending here with dinner, preferably in Edmund’s Park.

‘Friends of the Greenway’ is getting further established. They are working with CCPEG to have all the trails in Chautauqua County come under one umbrella to leverage funding opportunities. The trails will still keep their individual identities and remain separate non-profits, but benefit from shared funding. It would benefit the Sherman trail to become a part of this initiative.

Chamber of Commerce – the Lighted Tractor Parade was a huge success. There were more than 40 entrants in the parade, and spectators crowded down both sides of Main Street. The shops on Main Street said they had a lot of foot traffic before and after the event, and the restaurants were inundated with patrons. Since this was the first time, no one knew how many people to expect but next year everyone will be better prepared. Everyone is already excited for next year's parade.

MAYOR

- The mayor thanked the Chamber of Commerce and members for their tireless effort this past week, celebrating “Sherman Deck’s the Halls”. This included participation from the Historical Society, Community Church, Minerva Free Library, Sherman Central School Parent Teachers Organization, and area businesses including the Cooler Bar & Grille, and Miss Laura’s. She also thanked the WWTP contractors from H&K Services who assisted with the Christmas Tree, and Cole Electric who was instrumental in helping with the sound system. All were excited about this week’s turnout for events, particularly the number of participants and parade goers at the Sherman Lighted Tractor Parade. Organizers and participants alike are coming up with ideas for next year!

PUBLIC PARTICIPATION

David Damcott had some questions about the vacant property fee for his Kendrick Street property. He said he had been working on the property over the last 2½ years. He had a building permit for 2022 and although he’d ordered siding last year it still hadn’t come in, so no work was done. It was explained that if a building permit is granted and no work is done, the vacant property fee is applied as per Local Law 1 Of 2019. The vacancy law was implemented in order to prevent properties being left unmaintained thus deteriorating and becoming derelict. The vacant property law safeguards against the Village losing any more houses. Although no work was done in 2022, Mr. Damcott planned to work on it this spring, and he asked for leniency.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (12/13/2022) is \$39,899.55 & book balance \$7,529.33
NYS Fund Bank Account: Balance (12/13/2022) is \$139,897.50 & book balance \$0
Sewer Project Bank Account: Balance (12/13/2022) is \$3,051.37 & book balance (\$147,995.73)
Water Project Bank Account: Balance (12/13/2022) is \$0.01 & book balance (\$6,161.38)
Stormwater Project Account: Balance (12/13/2022) is \$83,007.60
Parks Fund Account: Balance (12/13/2022) is \$15,454.36
Climate Smart Account: Balance (12/13/2022) is \$192,958.75 & book balance \$173,481.25
CD Account: Balance (12/13/2022) is \$0
CD Transfer: N/A
Account Adjustments: N/A

RES 2022-12-14.2: VOUCHER #7 2023

Motion to accept Voucher #7 for \$485,485.82 for November 2022, of which \$0 is from the NYS Special Fund, \$171,965.93 is from the Sewer Project Fund, \$6,181.39 is from the Water Project Fund, \$2,691.18 is from the Parks Fund, \$0 is from the Stormwater Project Fund and \$19,477.50 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

The County permits a maximum amount of \$2.00 per bill be imposed for delinquent tax bills that are resent in the third month. This is only printed on the back of the bill and unseen by the tax payer, causing additional administrative work and follow up. The fees generate approximately \$130.00 each year in Property Tax Fee revenue.

RES 2022-12-14.3: REMOVAL OF ADDITIONAL TAX COLLECTION FEE OF \$2.00

Motion to remove the Additional Tax Collection Fee of \$2.00 imposed on the mailing of the delinquent tax notice sent out in August of each year, and herein adopt the Village of Sherman's policy to no longer assess the delinquency fee.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.4: SUSPEND WATER & SEWER CHARGES FOR 136 MILLER ST

Motion to approve the suspension of any further water and sewer charges for service at 136 Miller St, for the billing periods of November 20, 2022, thru May 31, 2023, including the base EDU charges. The ¼ EDU charge for vacant properties will be applied to the 06/01/2023 tax bill, submitted to Chautauqua County with the April 2023 Tax Warrant. (Vacancy due to fire.)

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.5: WATER & SEWER EDU CHARGES FOR 157 W MAIN ST

Motion to accept the reinstatement of water and sewer charges for the property of 157 W Main St at the rate of ¼ EDU for water and sewer as it is applied to vacant properties according to the water and sewer rent's laws, at an amount prorated to one-half (year) of ¼ EDU billable on 01/01/2023, (as per the expiration of RES: 2022-01-12.14); and then the ¼ EDU charge for water and sewer on vacant properties will be applied to the property of 157 W Main St on the 06/01/2023 tax bill and subsequent years to follow, or as defined by amendments to the local law, (submitted to Chautauqua County with the April Tax Warrant). (Vacancy/demolition due to fire.)

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

OLD BUSINESS:

There was no old business discussed.

NEW BUSINESS:

RES 2022-12-14.6: LL 2-2022 AT-LARGE CATS

Motion to adopt the proposed Village of Sherman Local Law 2-2022 whereby the Village of Sherman Regulates At-Large Cats, for the purpose of protecting the health, safety and wellbeing of persons and property by imposing restrictions on the keeping and running of at-large cats within the village. The intent of the regulation is to prevent the uncontrolled behaviors of cats that cause physical harm to persons, damage to property, and those that create nuisances within the village, including the spread of disease to other animals in the Village of Sherman, effective immediately upon filing with the Secretary of State of the State of New York.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.7: LL 3-2022 UNSAFE STRUCTURES

Motion to adopt the proposed Village of Sherman Local Law 3-2022 whereby the Village of Sherman Regulates Unsafe Structures, for the purpose of protecting the health, safety and wellbeing of persons and property by identifying obvious unsafe structures and through a series of distinct steps eliminate the safety problem in an equitable manner. An unsafe structure is any structure that due to inadequate maintenance, dilapidation, obsolescence, fire/wind or similar types of damage becomes structurally unsafe, unsanitary, or in any way is dangerous to human life and safety. Such unsafe structures or “dangerous buildings” shall, for the purposes of this Law, be declared to be illegal in the Village of Sherman, effective immediately upon filing with the Secretary of State of the State of New York.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 3 Nays: 0 Carried

RES 2022-12-14.8: LL 4-2022 ZONING AMENDMENTS

Motion to adopt the proposed Village of Sherman Local Law 4-2022 Amending and Superseding Local Law No. 1 of 2009 whereby the Village of Sherman Regulates Fences/Walls, Unsafe Structures, Mobile Food Vendors, and the application of the Schedule of Fees and Penalties, as described herein for the purpose of enhancing and preserving the quality of living, health, and safety for the residents and property owners in the Village of Sherman, effective immediately upon filing with the Secretary of State of the State of New York.

The intent of the LL 4-2022 Zoning Amendments to the Village of Sherman Zoning Code:

- A. Add new definitions to Section 202 DEFINITIONS;
- B. A new Section 616 FENCES, WALLS, and HEDGES hereby supersedes and replaces the original Section 616 Fences/Walls;
- C. A new Section 636 UNSAFE STRUCTURES hereby supersedes and replaces the original Section 636 Unsafe Structures;
- D. Insert a new Section 641 MOBILE FOOD VENDORS;
- E. Insert a new Section 642 PERMANENT/SEMI-PERMANENT COVERINGS;
- F. A new Section 702-C FEES, under Duties of the Administration by Enforcement Officer, hereby supersedes and replaces the original Section 702-C Fees;
- G. A new Section 704 SCHEDULE OF FEES hereby supersedes and replaces the original Section 704 Schedule of Fees;
- H. Insert a new Section 705 ADMINISTRATIVE LIABILITY;
- I. A new Section 1202 PENALTIES hereby supersedes and replaces the original Section 1202 Penalties.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 3 Nays: 0 Carried

RES 2022-12-14.9: LL 5-2022 CODE ENFORCEMENT PROGRAM

Motion to adopt the proposed Village of Sherman Local Law 5-2022 repealing the existing Village of Sherman Code Enforcement Program and hereby adopting the new Village of Sherman Code Enforcement Program whereby the Village of Sherman administers and enforces the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Sherman, effective immediately upon filing with the Secretary of State of the State of New York.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 3 Nays: 0 Carried

RES 2022-12-14.10: CHAUT. CO. WATER & WWTP COOPERATIVE PILOT PROJECT
Motion to approve the Village of Sherman's participation in the Chautauqua County Water & Wastewater Cooperative Pilot Project, and to appoint the mayor and the chief water/wastewater operator to the Pilot Project's Steering Committee for a period of one year or more.

RESOLUTION FOR THE VILLAGE OF SHERMAN TO PARTICIPATE IN THE CHAUTAUQUA WATER & WASTEWATER COOPERTIVE PILOT PROJECT

WHEREAS, Chautauqua County has been awarded a \$371,175 Municipal Restructuring Fund grant from the New York State Department of State to create the Chautauqua Water & Wastewater Cooperative; and

WHEREAS, this grant is to be used to fund a Pilot Project that develops a shared services program for six municipal water and/or wastewater systems to address staffing challenges, reduce operating costs and improve system operations; and

WHEREAS, grant funds will be used to directly benefit those municipalities participating in the Pilot Project through the purchase of specialized equipment, procurement of shared lab services and treatment chemicals, system mapping, and providing part-time staff to assist with system operations; and

WHEREAS, if the Pilot Project can show substantial savings and municipal cooperation, Chautauqua County will be eligible for an additional \$689,325 of funding to expand the Pilot Project to include other municipally owned water and wastewater systems in Chautauqua County; and

WHEREAS, the Village of Sherman desires to participate in the Pilot Project in an effort to reduce costs and improve drinking water and/or sewer service to our customers; and

WHEREAS, a Steering Committee consisting of representatives from participating municipalities, Chautauqua County and local professional water/wastewater operator associations will provide guidance, advice and oversight for the Pilot Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Sherman hereby agrees to participate in the Chautauqua Water & Wastewater Cooperative Pilot Project and will appoint the mayor and the chief water/wastewater operator to the Steering Committee for an initial period of one year.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.11: NYMS MAIN STREET \$358,283 AWARD SHARS ID #20220387

Motion to accept the \$358,283 NY Main Street grant award from NY State's Office of Community Renewal as part of the 2022 Regional Economic Development Council (REDC) Consolidated Funding Application (CFA).

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.12: PUBLISH NYMS MAIN STREET REQUEST FOR PROPOSAL

Motion to authorize the Clerk-Treasurer to publish the Request for Proposal in the local newspaper for the administration of the NYMS grant, not to exceed \$26,871, (the 7.5% allowed for administrative funds from the project budget).

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.13: RFP & GRANT APPLICATION SELECTION COMMITTEE

Motion to reconfirm the Village Steering Committee for the purpose of reviewing and selecting the firm to administer the NYMS grant and for the purpose of selecting the business properties applying as sub-applicants for the NYMS grant funding.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.14: APPLICATION TO CCPEG

Motion to record the Village of Sherman's applications for grant funding to Chautauqua County Partnership for Economic Growth, submitted December 1, 2022, for:

\$50,000 for the NYMS Main St Façade and Building Restoration Project

\$50,000 for the CSC Nature Center Pond Stormwater Retrofit Project.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

Regarding the old "Farmer's Mill" on Kendrick Street that closed in May of 2019, which went through a lengthy bankruptcy period – delayed significantly by the COVID-19 pandemic; the new property owner has just gained access to the property which requires significant clean up and evaluation to determine its new purpose. The owner has been in regular contact with the Enforcement Officer and Clerk, is readily available and beginning the first phase of clean up toward re-use. It is at the recommendation of the Enforcement Officer that the Village suspends the Vacancy Fee for 118 Kendrick St:

RES 2022-12-14.15: 118 KENDRICK STREET VACANT BUILDING FEE

Motion to suspend the vacancy fee for the buildings located at the 118 Kendrick Street property, for a period of one year, beginning January 1st 2023, and ending December 31st, 2023, to be re-evaluated by the Enforcement Officer in January 2024.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.16: LABOR STANDARDS COMPLIANCE OFFICER, WWTP PROJECT

Motion to appoint Barton & Loguidice, D.P.C. (Matt Zarbo) to the position of the Labor Standards Compliance Officer to coordinate and assure full compliance with all federal and state labor standards and equal opportunity provisions with regards to the Wastewater Treatment Plant Improvement Project.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.17: LOCK CITY IS NOW CORE & MAIN

Motion to approve and recognize the company Core & Main which has recently purchased Lock City Supply, Inc., as the primary distributor of all water supplies purchased by the Village; and to amend the Technical Work Force Account with NYS EFC to reflect this change.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.18: SOLAR ENERGY GENERATING AND DELIVERY SYSTEM

Resolution by the Village of Sherman Trustees accepting and approving the Solar Energy Generating and Delivery System Project for SL Sherman, LLC and SL Sherman II, LLC.

WHEREAS, the Village of Sherman (Village) under State Law 19 NYCRR 1201.2 has the authority to administer and enforce the Uniform Code with respect to premises and activities undertaken by the Village for the benefit of the Village, including but not limited to the issuance of building permits; and

WHEREAS, the Village owns the properties SBL 328.00-1-10.2, SBL 328.00-1-11, and SBL 328.10-2-1.1; and

WHEREAS, the Village pursued the development of community solar arrays for the benefit of the Village of Sherman; and

WHEREAS, the Village of Sherman has entered into a lease agreement with SL Sherman, LLC and SL Sherman II, LLC to develop, construct and operate one or more solar energy generating facilities, related generation and transmission systems, and all other equipment, facilities and related improvements, each facility is to be operated as an integrated solar energy generating and delivery system, (collectively the “Project”); and

WHEREAS, the SL Sherman, LLC and SL Sherman II, LLC will engage Solar Liberty Energy Systems, Inc. for the construction of the Solar Energy Generating and Delivery System; and

WHEREAS, the Village has engaged the engineering firm of Barton & Loguidice, D.P.C. to perform the Civil and Environmental Review of the Project; and

WHEREAS, the Village has engaged the attorneys of Barclay Damon, LLP to represent the Village interests; and

WHEREAS, the engineering firm of Barton & Loguidice, D.P.C. has concluded the Civil and Environmental Review of the Project; and

WHEREAS, the Village is entering into agreements with SL Sherman, LLC and SL Sherman II, LLC for Operation and Maintenance Plans for the Project involving agri-voltaic practices; and

WHEREAS, the Village is entering into agreements with SL Sherman, LLC and SL Sherman II, LLC for Decommissioning Plans for the Project deemed satisfactory by the reviewing engineers of Barton & Loguidice, D.P.C. and attorneys of Barclay Damon, LLP; and

WHEREAS, the Village has met with the NYSDEC officials regarding the gas well located on the site; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Sherman accepts the advisement from the engineering firm of Barton & Loguidice, D.P.C. which has concluded the review of the SL Sherman, LLC and SL Sherman II, LLC Project; and be it further

RESOLVED, the Village accepts the responsibility to be accountable for the administration and enforcement of the Uniform Code; and be it further

RESOLVED, the Village approves the 30ft setback from the gas well for solar panel construction; and be it further

RESOLVED, the Village approves the building permit fee of \$1.00 (one dollar) for the SL Sherman, LLC and SL Sherman II, LLC Project construction; and be it further

RESOLVED, the Village approves the terms and conditions of the Operation and Maintenance Plan Agreement(s) between SL Sherman, LLC and SL Sherman II, LLC; and the Village of Sherman, and approves and authorizes the mayor to sign the Operation and Maintenance Plan Agreement(s) as approved by the attorneys of Barclay Damon, LLP; and be it further

RESOLVED, the Village approves the terms and conditions of the Decommissioning Plan Agreement(s) between SL Sherman, LLC and SL Sherman II, LLC and the Village of Sherman, and approves and authorizes the mayor to sign the Decommissioning Plan Agreement(s) as approved by the attorneys of Barclay Damon, LLP.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village of Sherman on December 14th, 2022, 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>Absent</u>
Gary Emory, Trustee	<u>Aye</u>

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.19: RENTAL AGREEMENTS FOR 2023

Motion to approve and authorize the mayor to offer and sign the following monthly rental agreements for the year 2023, at the following rates, beginning January 1st, 2023 with tenants of the properties listed below:

- 130 West Main Street, lower level for \$290 / month, including Water & Sewer EDU
- 129 West Main Street for \$265 / month, including Water & Sewer Utilities
- 123 West Main Street for \$265 / month, including Water, Sewer, Gas & Electric Utilities

(Rental rates had not been increased since the onset in 2020.)

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.20: NY STATE ASSET MANAGEMENT PROGRAM

Motion to accept NY State Department of Environmental Conservation's selection of the Village of Sherman's Wastewater Treatment Plant to participate in the State Asset Management Program, in collaboration with the NY State Environmental Facilities Corporation, and approve and authorize the mayor to sign and execute all related documents to that effect.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

RES 2022-12-14.21: MWBE & EEO COMPLIANCE POLICY STATEMENT AFFIRMATION

Motion to approve and reaffirm the Village of Sherman's commitment to the Minority and Women-Owned Business Enterprises MWBE and Equal Employment Opportunity EEO Policy Statements with NY State Homes and Community Renewal NYSHCR in accordance with the NY Main Street NYMS grant; (previously adopted or update in RES 2021-09-08.8 and RES 2021-02-17.2); the mayor is to serve as the designated Minority Business Enterprise Liaison.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 3 Nays: 0 Carried

Resolution by the Village of Sherman Board of Trustees Filing the Village of Sherman map of the incorporated limits with Chautauqua County Real Property Tax Office.

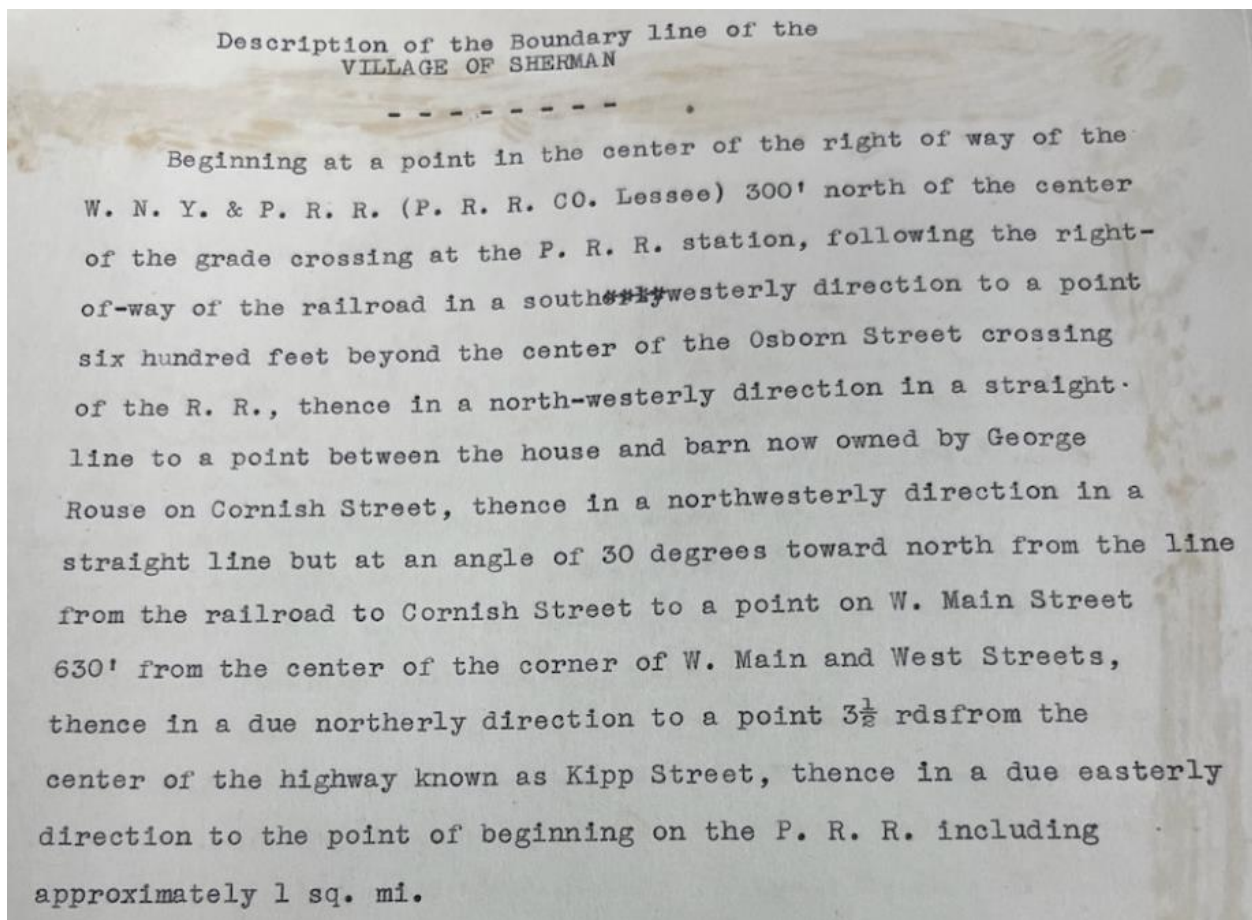
RES 2022-12-14.22: FILING MAP OF THE VILLAGE MUNICIPAL BOUNDARY

**RESOLUTION DECLARING THE VILLAGE OF SHERMAN BOARD OF TRUSTEES
TO APPROVE AND FILE THE MAP OF THE VILLAGE OF SHERMAN MUNICIPAL
BOUNDARY WITH THE LEGAL INCORPORATED LIMITS TO
CHAUTAUQUA COUNTY**

WHEREAS, the Village of Sherman (Village) on the 9th day of October 1908, resolved to enter into the “Articles of Agreement” with E. A. Wilder of Fredonia, “First, to make a map of the Village of Sherman”, recorded on pg. 331 and 332 in the Official Minutes of the Village of Sherman; and

WHEREAS, it is written within the “Articles of Agreement”: “Whereas, the said Village of Sherman did on the 22nd day of September, 1908, vote to purchase a water system of the Sherman Water Works Company and executed the same over the incorporated limits of said Village, and whereas E. A. Wilder is an experienced engineer and contractor”; and

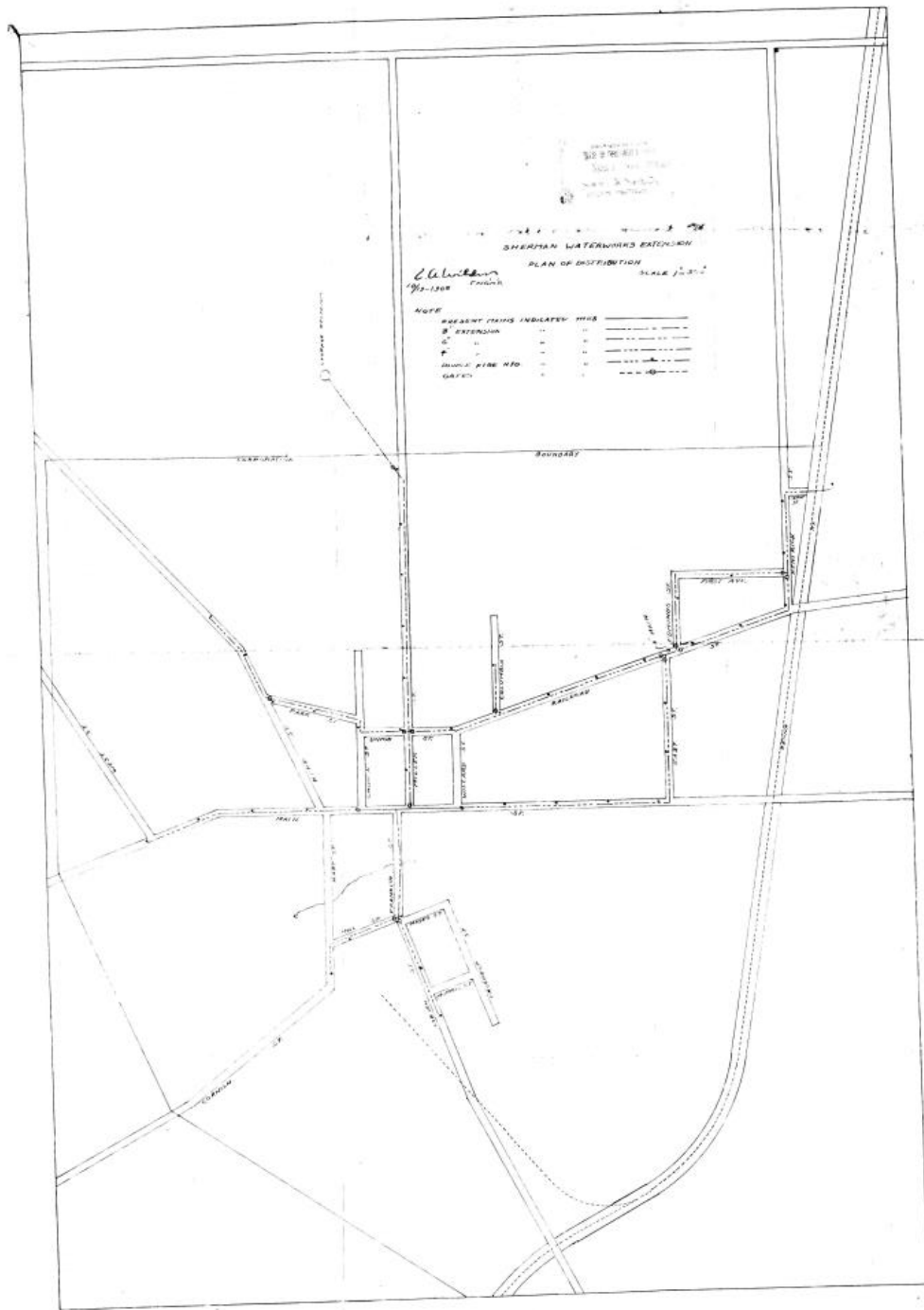
WHEREAS, the Description of the Boundary line of the Village of Sherman is filed in the Village Office (insert); and

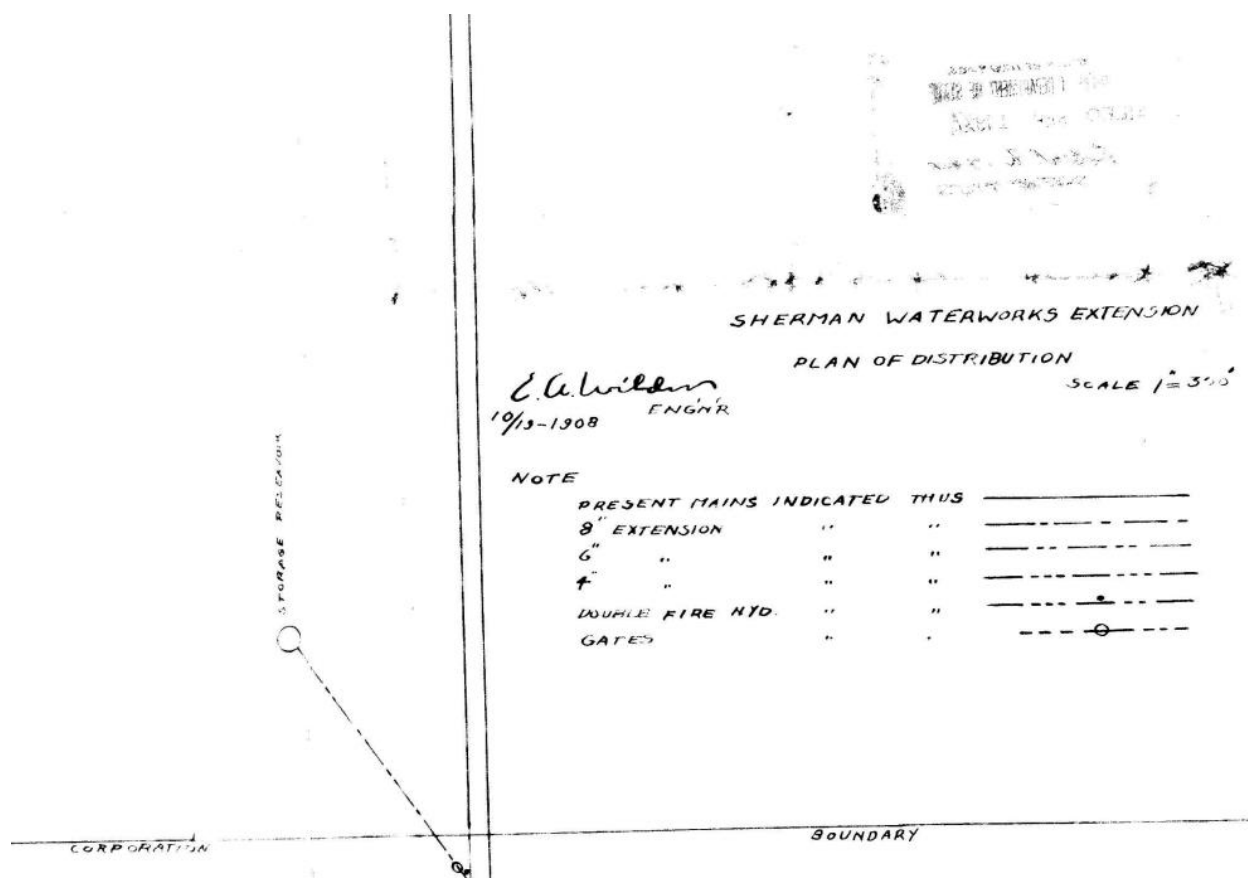


WHEREAS, the original 1908 Map of the Village of Sherman dated 10/13-1908 and signed by E. A. Wilder is filed in the Village Office (attached); and

257
657

142





WHEREAS, the Village engaged Chautauqua Abstract to review the documents and it was proposed that the three documents are the ‘trifecta’ of support for the 1908 Village of Sherman Corporation Boundary; and

WHEREAS, the Village engaged White Land Surveying to review the documents and the accuracy of the typed Description of the Boundary line of the Village of Sherman filed in the Village Office, which the surveyor found to be consistent with the 1908 Village of Sherman Map depicting the “incorporated limits” prepared by E. A. Wilder; and

WHEREAS, in September of 1908, the Village certified the vote in support to annex and purchase the Sherman Water Works Company, which is the action that led to the updated map; and

WHEREAS, the 1908 Village of Sherman Map was filed with the New York State Department of State on September 1, 1927; and

WHEREAS, the Village and Chautauqua County has recognized the 1908 Village of Sherman Municipal Boundary for more than 100 years; and

WHEREAS, the 11/1/1963 Chautauqua County Tax Map of the Village of Sherman, approved by the State Division of Equalization and Assessment on August 27, 1979, is consistent with the 1908 Map of the Village of Sherman; and

WHEREAS, the Village of Sherman Tax Roll is consistent with the 1908 Map of the Village of Sherman.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Village of Sherman Clerk-Treasurer will send a copy of said 1908 Map of the Village of Sherman Corporation Boundary and a copy of the typed Description of the Village of Sherman Municipal Boundary to the

Chautauqua County Clerk's Office for purposes of filing with the Chautauqua County Real Property Tax Office; and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Sherman and the Village Board, together with the Village of Sherman Attorneys, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village of Sherman on December 14th, 2022, 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>Absent</u>
Gary Emory, Trustee	<u>Aye</u>

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 3 Nays: 0 Carried

RES 2022-12-14.23: EXTENSION OF BUILDING PERMIT IN LIEU OF VACANCY FEE

Motion to approve David Damcott's request to extend the building permit in lieu of incurring a vacant property fee on the property located on 105 Kendrick; the extension will expire ~~December 31, 2023~~, during which time progress needs to be evident.

Motion to be amended in old business on January 11th, in conformity with LL5-2022 The Village of Sherman Local Code Enforcement Program, Section 6. Building Permits (I) Time limits.

Building Permits shall become invalid unless the authorized work is commenced within 6 (six) months following the date of issuance. *Building Permits shall expire 12 (twelve) months after the date of issuance. A Building Permit which has become invalid, or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.*

The proposed amendment to the motion will be for the six (6) month period, expiring 6/30/2023.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 3 Nays: 0 Carried

Motion to move into Executive Session at 9:02pm to discuss legal contractual matters, with no action to be taken following the executive session.

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 3 Nays: 0 Carried

Motion to exit Executive Session and Adjourn the meeting at 9:22pm.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 3 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Board Mtg Wednesday, January 11th, 2022 at 6pm