

REGULAR MEETING/PUBLIC HEARING ON LOCAL LAW No. 4 of 2020,
TOWN OF SHERMAN,
Aug. 6, 2020

A regular meeting / Public Hearing of the Town of Sherman Board was held on Thursday, Aug. 6, 2020 at the Town Highway Building, 111A Mill St, Town of Sherman, Chautauqua County, New York at 7:00 PM.

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

Absent: Greg Osman – CEO

Guests: Greg Rater – Town Resident

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

Greg Rater – Town Resident wanted to publicly thank Supervisor Persons and County Legislator Bill Ward for meeting with him at his property.

APPROVAL OF MINUTES

RESOLUTION #33

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

RESOLUTION #34

ABSTRACTS/CLAIMS

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson to approve payment of General Claims #103 through #113 in the amount of \$3,350.57. Highway Claims #80 through #89 in the amount of \$7,092.01. MOTION CARRIED.

JUDGE’S REPORT

Judge Neal’s July report shows fines of \$536.00 Civil fees of \$358.60 and surcharges of \$558.00 for a total of \$1,452.00. Judge VanVolkenburg’s July report shows fines of \$362.00, civil fees of \$ 140.00 and surcharges of \$467.00 for a total of \$969.00.

CLERK/REGISTRAR’S REPORT

- Clerk Weise reported to the Board that Assessor Heather Young-Deyell did achieve 100% and her bonus was paid in payroll #15.
- NYS 2020-2021 Hunting License / DMP will go on sale beginning Mon. Aug. 10th.

The Following Fund Balance was presented:

Justice Holding	\$ 5,821.60
Highway	\$51,147.92
General	\$ 2,463.66
Youth Checking	\$ 280.67
Youth Savings	\$ 5,172.74

Town CD's to mature 8/10/2020

Highway	\$90,000.00
General	\$80,000.00
General	\$80,000.00

ASSESSOR'S REPORT

July Assessor's Report

- There was one deed recorded in May and 4 in June.
- The application for cyclical reassessment aid has been sent to the state with a potential of receiving up to \$5 per parcel for the 2020 reassessment project. Town of Sherman has 1,254 parcels.
- August is the month for sales verifications for all sales occurring in the previous year. This process includes photos and roadside inspections of all "arm's length" transactions.
- A copy of my database has been sent to Chautauqua County Real Property Tax Office for processing of school tax bills.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Dennis Sweatman brought the following to the Boards attention:

- At the monthly County Highway Superintendents meeting the Town Superintendents were told they should go ahead and spend the 2020 CHIPS monies. Dennis asked the Board how they felt about this. After discussion the Board felt that if Dennis was comfortable in doing so then to go ahead and spend the funds so that the bills can be submitted for reimbursement.
- Dennis reported that he has had no worthy applicants turned in thus far. Dennis feels that they are going to have to open up to receive applicants from outside of the Town of Sherman.

RESOLUTION #35

Councilman James Higginbotham made the motion, seconded by Supervisor Mark Persons to run a "Help Wanted" ad for the Town of Sherman Highway Dept. in The Southern Tier Penny Saver and that you need not be a Town of Sherman Resident to apply. MOTION CARRIED.

SUPERVISOR REPORT

- Supervisor Persons read the following email from Town Attorney Joel Seachrist:
By now you have all received a letter from Village of Mayville attorney Joe Calimeri with a copy of the latest version of the cable franchise agreement with Spectrum. You will

need to hold a public hearing to approve the agreement, so Joe is trying to get an initial indication that you all have no objections and plan to approve it before he concludes negotiation and gives the green light for the public hearing.

I have reviewed the agreement and have no objections. The franchise fee is at 5%, which I understand to be the maximum permitted by law. The other section with relevant changes deals with the public access channel (Section 13). The rest of the agreement is standard.

Please review this question with your boards and if you have no objections or question, send me an e-mail confirming your intention to approve the agreement. I'll advise Mr. Calimeri of that and then we'll coordinate the public hearings.

*Thanks,
Joel H. Seachrist
Seachrist Law Offices, P.C.*

RESOLUTION #36

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to Support the Village of Mayville negotiating the franchise agreement with Spectrum. MOTION CARRIED.

- Supervisor Persons shared a letter from John Griffith, Director of Emergency Services asking the Town of Sherman to write a letter of support for Chaut. Co Emergency Services efforts to convert the Municipal CON to a permanent Emergency Medical Services Operating Certificate that would enable Chaut. Co. EMS to operate an ambulance service for the citizen of Chautauqua County. After discussion Supervisor Persons said that he would go ahead and sign the letter of support and return it to Mr. Griffith.
- Supervisor Persons, and Councilman/Deputy Supervisor James Higginbotham had a conference call with IDA in regards to James Weise's solar project, located on Park St. in Sherman.
After discussion The Town Board has no objections for the project going forward.

RESOLUTION #37

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to contact the IDA and give them the approval to move forward on the James Weise solar project. MOTION CARRIED.

Public Hearing Local Law 4-2020

- Supervisor Mark Persons opened the Public Hearing on Local Law No.4 of 2020 in regards by which the Town of Sherman would enact regulations for new Residential Construction. Mark went over the details of the law. Discussion was held and questions answered concerning the law.

RESOLUTION #38

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to adjourn the Public Hearing and adopt Local Law No. 4 of 2020. MOTION CARRIED

TOWN OF SHERMAN, CHAUTUAQUA COUNTY, NEW YORK

LOCAL LAW NO. 4 OF 2020
A LOCAL LAW REGULATION NEW RESIDENTIAL CONSTRUCTION

Be it enacted by the Town Board of the Town of Sherman, in the County of Chautauqua, as follows:

Section 1. Authority.

This local law is adopted by the Town of Sherman pursuant to the authority granted by:

A. Article IX of the New York State Constitution, §2(c)(6) and (10);

B. New York Statute of Local Governments, §10(1);

C. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a)(6), (12) and (14); and

D. New York Town Law §130 (11) (Peace, good order and safety) and (15) (Promotion of public welfare),

Section 2. Standards for New Residential Housing Construction.

The following requirements shall be met prior to the issuance of a building permit for the construction of any new residence in the Town of Sherman:

1. Lot size: There shall be only one residence per tax map lot with a minimum lot size of one (1) acre.

2. Dimensions: The minimum size of a residence shall be 800 square feet of enclosed living space.

3. Definition: For purposes of this local law, a residence is defined as a building or structure used to provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 3. Severability.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 4. Effective Date.

This local law shall take effect immediately upon its filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

MEETING ADJOURNED AT 8:00 p.m.

Respectfully Submitted,

Tamera M Weise
Sherman Town Clerk