# VILLAGE OF SHERMAN MUNICIPAL ZONING BOARD REGULAR BOARD MEETING

Wednesday, July 10th, 2019 at 6pm

Mayor Meeder brought the meeting to order and opened with the pledge of allegiance. Board members Meeder, Reyda and Ayers, Clerk-Treasurer, Chief Wastewater Operator, and seven members of the public were in attendance. The mayor extended apologies from Trustee Gratto and Higginbotham who couldn't be in attendance.

#### **RES 2019-07-10.1: MINUTES**

Motion to accept the previous minutes of the Regular Board Meeting and Municipal Zoning Board Meeting/Hearing held June 5<sup>th</sup>, 2019, and the follow up Meeting of the Municipal Zoning Board and Special Meeting held on June 19<sup>th</sup>, 2019.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

#### **MAYORAL ADDRESS**

The mayor clarified that John Swabik and Gary Emory were the two hires approved by RES 2019-06-05.20. She said that people had questions about the Sewer Commission and explained that last month we made a resolution (RES 2019-06-19.11) to amend our sewer study to include the Town of French Creek and Peek 'n Peak. This Sewer Commission (which includes the Village and Town of Sherman, Mina and French Creek) will determine the number of EDUs (equivalent dwelling units) currently at the Peak, and what they would need if they expanded. The study also includes possible outcomes to include French Creek, Mina and/or Sherman; as well as what possible avenues would work best and what these possibilities would require. Although this study includes Sherman, we are still on course with our own project. This simplistic overview is a last opportunity to look at how Sherman could share services with French Creek and Mina. We should hear about grants in August and then the final decisions will be made in the fall regarding the direction of the Sherman WWTP.

Marty Proctor, County Legislator, introduced himself and stated that he is available to anyone who has questions or concerns regarding the county. He can be contacted through the county website at (www.co.chautauqua.ny.us). In response to a question of how he will show on the ballot, Mr. Proctor said that his name can be found at the bottom of the ballot of the November Elections, under the Cornerstone Party.

#### WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT

Mayor Meeder reported that Mr. Crane could not make the meeting and sent his apologies. He has a variety of projects being worked on, and he is about to go on vacation. His list includes the millings on the sides of Klondyke and Willard Streets, and the handrails on Main Street, which will be done while he's away. Mr. Crane did want to know the trustees' thoughts about creating an 'intersection' as opposed to refinishing the curve on First and Edmunds Street to help slow traffic?

#### SEWER REPORT FROM CHIEF SEWER OPERATOR

Mr. Irwin reported that the mini Domo DIP (Direct In-line Pump) system is running effectively, and if all goes well it could be a possible solution for Mina and French Creek in the future. The DIP system replaces a grinder system which requires quite a bit of land and is placed in the yard, whereas

the DIP system needs little space and can be installed in the basement. Mr. Irwin said everything went well with the recent DEC inspection, there are some updates which will be easy to sort out. He did detect two I&I (inflow and infiltration) issues during the flooding which he is working on. It was further explained that there are three different systems: the sewer system, the water system and the stormwater system; and each have their own pipes and traps.

SHERMAN DAY COMMITTEE – Clerk Ramm reminded everyone that Sherman Day will be on Saturday, August 3<sup>rd</sup>, with the Alumni dinner, cornhole challenge, bonfire and band starting at 6pm on the Friday evening. Sherman Day will include Southern Tier Wrestling, featuring the legendary Tugboat. The wrestlers will be available from 1pm in the school gym and the bell will ring at 2pm. More information and vendor forms are available at <a href="https://www.shermanny.org/community/shermanday">www.shermanny.org/community/shermanday</a>.

#### RES 2019-07-10.2:

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

Moved: Kirk Ayers Seconded: Mary Reyda

Ayes: 3 Nays: 0 Carried

# MUNICIPAL ZONING BOARD MEETING:

# PERMITS & PROPERTY MAINTENANCE REPORT FROM ZONING OFFICER Report on open/new building permits, violation enforcements

**PARTICIPATION:** Kristine Wynn of West Main Street discussed the letter she received stating she needed to cut her front lawn on the steep embankment down to Main St. She indicated it's been eroding away, and the traffic goes around the curve at high rates of speed and it's too dangerous to mow. She also believes it's the State or County's responsibility to mow it. Mayor Meeder said Ms. Wynn could contact the State since it is their road, but the local law outlines property maintenance. This local law was sent out with the taxes, water and sewer bills, posted at the post office, bank and village office. The clerk would mail Mrs. Wynn a copy of Local Law 3- 2019 which covers property maintenance regarding weeds and grass.

#### **RES 2019-07-10.3: ZONING REPORT**

Motion to accept the report from the Code and Zoning Enforcement Officer (s):

# Previous open cases now closed:

- Arthur Martin home, E Main St., purchased at tax auction, closing 7/26/2019, building permit requested for new roof
- Kathryn Rowan / Russell Hayes, 119 Church St
- Mayshark/Cettell, Main St.

#### Cases currently open:

- Dollar General fence, ZBA made decision 6/20/19, request was made for appeal 7/11/19
- Chandra Hannold, Cornish St. 2018 Jeff Messenger CEO put a Stop Work Order on the property; Zoning & Code Officers reviewing status of case.
- Jeff Winton, 157 W Main St. making plans for improvement w/ Dave Heckman CEO
- Scott Winton, Miller St. condemned, working w/ Dave Heckman CEO
- Sid Meeder, Willard St. car resolved & court case dropped, otherwise still open case
- Vacant and/or abandoned properties sent letters waiting for response.

# Cases to open:

• Farmers Mill – rodent problem

## <u>Prior shed question – elaborated:</u>

- Enquiries into permits for sheds: any shed 144 sq ft or larger requires a permit, all sheds regardless of size are required to follow set back requirements; NYS regulation Dave Heckman (CEO)
- Village of Sherman Zoning Law 2009 Section 640 Storage permit must be obtained for an accessory structure when **120 square foot** is surpassed. Greg Gormley (ZEO)

# **Property Cleanups:**

- Denise Hannold, Kipp St. is making slow progress, will continue to monitor
- Dennis Kulpa, Main St. no improvement

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

#### RES 2019-07-10.4 PROPERTY CLEAN UP

Motion to approve the clean-up of listed properties found in non-compliance after 07/22/2019: The properties listed were first presented at the hearing held June 26<sup>th</sup>, 2018, additional hearing held May 1<sup>st</sup>, 2019 and continue to be unresolved:

**Hannold** – ZEO continuing to monitor status of property.

**Kulpa** – No improvement, Village clean as property dries and allows for Village access.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

In response to Trustee Reyda's question as to why we require vacant houses to register, Mayor Meeder said the law requires that we know if the house has been properly weatherized; is it locked and secure; and if there are any chemicals, carbon monoxide or fire hazards on the property i.e. does it pose any risk to neighbors. In order to avoid unsightly signs stating "vacant property" we have chosen to have signs with the contact information placed on the side of the buildings so that neighbors and officers have contact information should it be necessary since these property owners are not readily accessible.

Trustee Reyda questioned the cost of the vacancy registration and projected that it would not be paid by the property owners. Mayor Meeder explained that this is a deterrent because other communities have zombie houses which are empty, neglected and left to decay. There is a difference between empty and vacant houses. Vacant houses usually have maintenance issues, and signs of the start of decay. If left unchecked, these properties typically get so bad that they are abandoned. The only path available will be demolition which will remove the house from the tax roll, burdening taxpayers further. This law is a tool to help preserve the infrastructure and help improve the community. There are exemptions, for example, if a property owner begins repairing the building or rectifying the issues the inspection officers have noted, then with a building permit the vacancy registration can be avoided. The properties listed here have ignored the inspection officers' communications and we are trying to prevent them from getting worse. Thismotion is not an approvable but an acceptance of the list of properties. This is covered by the law and this motion is simply to accept it into the minutes i.e. to formally record which properties are being charged. We are increasing the accounts receivable in an auditable way. If circumstances were to change for any of the properties, the clerk would have to bring it back before the Board.

#### RES 2019-07-10.5 VACANT PROPERTY LAW - INVOICES

Motion to accept the following accounts receivable invoices into the record for Vacant, Abandoned, Boarded, or Foreclosed Property Registration, LL 01-2019, (first year fee is \$750.00). The following properties were sent notification of LL 01-2019 and their responsibility to register the property or show proof of exemption after having been identified as a vacant property by the Code and Zoning Officers as described by LL 01-2019.

**6/13 Hannold, Chandra** – certified mail – unclaimed, regular mail also sent (not returned)

**6/13 Winton, Scott** – *certified mail* – *unclaimed, regular mail also sent (not returned)* 

**6/19 Reinken, Michelle** – certified mail – unknown address, regular mail also sent (not returned)

**6/13 Winton, Jeff -** acknowledged receipt of request to register

**6/3 Meeder, Sidney & Rebecca** - acknowledged receipt of request to register INV 17041 **6/19 Sands, Amy** – spoke with Deanna Sands and gave copy of LL 01-2019, 6/18/2019

<u>Note</u>: Attorney advised Zoning Officer to send mail certified <u>and</u> regular first-class mail. Post office clerk verified that if only certified mail is returned, then the recipient has received the regular first-class copy.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

#### RES 2019-07-10.6

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

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

# REGULAR MEETING OF THE BOARD RESUMED

#### **PUBLIC PARTICIPATION**

Nina Coyle presented pictures of Neil Miller's Pallet Shop on July 3<sup>rd</sup> and July 5<sup>th</sup>, saying it shows he must have been building pallets on July 4<sup>th</sup>. She said on the 3<sup>rd</sup> she walked over to the pallet shop and Mr. Miller wasn't there, only a man and a young boy working in the workshop. She told Mr. Miller's wife she was coming into the Village office to report the noise. Since the office was closed, she left a note on the mayor's door but instead of a response from the village, the police showed up. Mayor Meeder responded that on finding the note she immediately called the Zoning Enforcement Officer (ZEO). The ZEO was then contacted by Mr. Miller and after meeting they called the police. Nina Coyle also said when she came into the office on Monday, July 9<sup>th</sup>, to find out why the mayor called the police, that the mayor said she did not know about any of the events that followed. The mayor explained that she had not known about the police being called until after the fact when the ZEO reported it to her. Ms. Coyle ended by saying that Mr. Miller couldn't be trusted to stick to his hours; a child shouldn't be working there; and that she feels a man and child could not have built all those pallets without working on the public holiday or longer hours than allowed.

#### FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (07/10/2019) is \$211,107.68 – book balance \$24,621.20 Special Bank Account: Balance (07/10/2019) is \$2,500.00 – book balance (\$200.00) CD Account: Balance (06/05/2019) is A\$112, 256.54, B\$105,000.00

CD Transfer: N/A Unpaid Taxes N/A

Account Adjustments: PENDING #193 previous resolution RES 2019-06-19.6

**Tax Foreclosure Property**, closes 7/26/2019, current tenants responsible for water and sewer bill; per law the new owners are not

responsible for the water and sewer bill through 7/26/2019. This will be monitored and may require small claims action in the event of the tenants leaving any outstanding balance.

OUTSTANDING ACCOUNT #43 this unleviable account has fallen behind the payment schedule. Clerk asked for an extra week for resident to catch up.

#### **RES 2019-07-10.7: VOUCHER**

Motion to approve Voucher #2 for \$183,624.00 as presented for June 2019, of which \$0 was from the NYS Special Fund.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

## **OLD BUSINESS:**

Trustee Reyda asked why we needed a planning board and asked why the trustees couldn't make these decisions. The law requires that the Planning Board is a separate group from the Village Board.

#### RES 2019-07-10.8: PLANNING BOARD APPOINTMENT

Motion to take from the table the previous motion RES 2019-05-01.12 to appoint the following Village residents to the Planning Board, for said terms;

Chairperson – Brian Bates

Member – Garrett Spitzer

Member – Bill Piazza

Member – Kelly Jo Becker

Agricultural Member – Rick Ayers

2019-05/2020 Columbia St
2019-05/2021 Columbia St
2019-05/2022 Miller St
2019-05/2023 Miller St
2019-05/2024 Cornish St

Alternate – to be determined at a later date 2019-05/2022 Vice Chair – to be determined by the Planning Board Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

The fiscal advisor was previously discussed and held over to July for resolution, pending the written proposed agreement:

#### **RES 2019-07-10.9: FISCAL ADVISOR**

Motion to approve the retainment of **Fiscal Advisors & Marketing, Inc.**, financial advisors, for the purpose of financial advisory services for the Village of Sherman's \$6,200,000 Wastewater Treatment and Sanitary Sewer System Improvements; and authorize the mayor to sign the agreement for services not to exceed \$18,000 over the course of the project.

Moved by Trustee Reyda Seconded by Trustee Ayers

Ayes: 3 Nays: 0 Carried

## **NEW BUSINESS:**

## RES 2019-07-10.10: INFORMATIONAL (FOIL) REQUESTS

Motion to accept the following as the standard acceptable office procedure regarding the request for any information for material, except for the minutes and agendas for the current period:

Unless a different fee is otherwise prescribed by statute, Public Officers Law §87(1) authorizes an agency to charge a fee of 25¢ per copy for copies of records up 9"x 14", or the actual cost of

reproducing a record. In determining the actual cost of producing a record, an agency may include only:

- an amount equal to the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare the requested record(s), if at least two hours of agency employee time is needed to prepare a copy of the record(s) requested;
- the actual cost of the storage devices or media provided to the person making the request in complying with such request; and
- the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy.

Records are available for inspection, by appointment.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

# Motion to adjourn the meeting at 7:00 p.m.

Moved by Trustee Ayers Seconded by Trustee Reyda

Ayes: 3 Nays: 0 Carried

Respectfully submitted Jeanette Ramm Village Clerk-Treasurer

#### **Notes:**

Public Hearing – Zoning Board of Appeals Thurs, July 11<sup>th</sup>, 6pm Regular meeting Wed, Aug 7<sup>th</sup>, 6pm