

REGULAR MEETING TOWN OF SHERMAN,
March 4, 2021

A regular meeting of the Town of Sherman Board was held on Thursday, March 4, 2021 at the Town Office 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

Guests: Greg Osman - CEO

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

*Greg Osman- CEO gave his monthly report as follows:

Number of inspections for February are 13
Number of inspections this year is are 26
Number of Permits issued for February are 0
Number of Permits for this year is 0
Dollar Amount of Permits for February are \$ 0
Dollar amount of Building this year are \$ 0
Miles traveled for February are 89

Permits issued to:

RESOLUTION #18

APPROVAL OF MINUTES

Councilwoman Bessie Endress made the motion, seconded by Councilman James Higginbotham to approve the minutes from the last board meeting with the correction that Supervisor Mark Persons was present at the meeting. MOTION CARRIED.

RESOLUTION #19

ABSTRACTS/CLAIMS

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to approve payment of General Claims #23 through #36 in the amount of \$4,105.20, Highway Claims #23 through #33 in the amount of \$36,285.34. MOTION CARRIED

JUDGE'S REPORT

Judge VanVolkenburg's February report shows fines of \$300.00, civil fees of \$0 and surcharges of \$93.00 for a total of \$393.00.

CLERK/REGISTRAR'S REPORT

- Clerk Weise reported that the Resolution for NYS Retirement for standard work days that was passed 2/18/2018 has expired.

RESOLUTION #20

Councilman Ben Nickerson made the motion, seconded by Councilman James Higginbotham that the following resolution be passed.

BE IT RESOLVED, that the Town of Sherman hereby establishes the following as standard work days for elected and appointed official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Elected Officials

Highway Superintendent – 8 hours standard work day –on average 20 day/month in a two pay month and 30 days/month in a three pay month.

Town Clerk – 7 hours standard work day – on average 20 days/month in months with 30 or fewer days in them and 30 days/month in a three pay month.

MOTION CARRIED

- Kelly Gable contacted Clerk Weise in regards to the youth baseball program this summer. She will be speaking to Panama & Clymer's baseball program directors to see what their plans are as well at SCS to see what guidelines would need to be followed. What are the board's thoughts? The Board feels that we should follow the Schools guidelines and that if the school has spring sports that we should go ahead with the Summer Baseball Program. More details will be forth coming at the April board meeting.
- Dog Control Officer Kelly Thornton would like to have a Rabies Clinic in the Town of Sherman in May and the County Health Dept. employee Jerimiah Maring will help Kelly along with other volunteers. They do require a sponsor for the clinic who will provide a Certificate of Liability. Kelly is asking if The Town of Sherman would be willing to sponsor the clinic and for the drive through clinic to be held at the highway building.

RESOLUTION #21

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to go ahead and sponsor a rabies clinic to be held in the Town of Sherman pending the ok from Edwards Insurance on the Town providing a Certificate of Liability Insurance.

MOTION CARRIED.

- Clerk Weise reported to the Board that Councilwoman Bessie Endress had audited the Courts Records and Dockets along with the Town Clerks.

RESOLUTION #22

Supervisor Mark Persons made the motion, seconded by Councilman James Higginbotham that the Courts records and docket were audited on March 1, 2021 and has been approved by the Sherman Town Board.

MOTION CARRIED

The Fund Balance was presented to the Board as follows:

Justice Holding	\$3,112.00		
General Fund	\$34,537.24		
Highway Fund	\$115,645.00		
Youth Checking	\$189.42		
Youth Savings	\$4873.04		
General CD	\$75,000.00	General CD	\$80,030.67
General CD	\$75,000.00	Highway CD	\$95,036.43
Highway CD	\$75,000.00	Highway CD	\$60,007.75
Highway CD	\$75,000.00		

These three CD's will expire 4/8/21

These four CD's will expire 3/8/21

ASSESSOR'S REPORT -

February Assessor Report

- There were 10 deeds recorded in December.
- Once the exemption renewal process has completed on March 1, I will begin inspecting and collecting inventory on parcels that have active building permits. This process will continue through April and assessment change notices will be mailed in the first week in May.
- The 2021 Equalization rate for the Town of Mina will be 99%. This figure is calculated at the state level and is determined by sales vs. assessment analysis. The current market is volatile, with evidence of this throughout most of New York State.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent brought the following to the Boards attention:

- Dennis will begin posting some of the Town roads next week.
- The 2021 oil and black top prices look as if they will remain the same as the 2020 prices.
- The Village loader is being put back on the auction block is there any interest in bidding on it. After discussion it was decided that the bucket that was purchased for the John Deere tractor is working great for what we need.

HIGHWAY SUPERINTENDENT REPORT

Supervisor Persons presented the following to the Town Board:

- NYS Law requires State and Local Governments and School Districts to plan for future state disaster emergency involving a communicable disease by creating a Public Employer Health Emergency Plan. Supervisor Persons and Clerk Weise presented the Town Board with and Emergency Plan for the Town of Sherman. This plan is to be posted on the

Town/Highway bulletin boards along with being added to the Employee Hand Book.

RESOLUTION #23

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to adopt the Emergency Health Plan for the Town of Sherman as presented.

MOTION CARRIED

- Supervisor Persons presented the following Justice Court Study for Towns of Clymer, French Creek, Mina, and Sherman as of February 26, 2021:

The purpose of the committee was to design an uncomplicated agreement to facilitate and enter into an inter-municipal agreement allowing the Towns of Clymer, French Creek, Mina and Sherman to jointly operate from single Justice Court facility with one duly elected Justice serving all four Towns and to have the court located in the Mina municipal building, providing cost savings to all the Towns.

The four Town will continue to maintain separate finances and case reporting of their court, and retain their portion of fines levied as New York State Law requires. The Towns will enact a shared-facilities agreement between them establishing the Mina Town Court as the physical location for all four courts to be operated out of beginning as soon as the consolidation process is completed and approved. Each Town will be responsible for the annual cost as follows:

Clymer --\$4200 Justice Salary...\$2500 Court clerk salary...\$1500 operational expenses payable to the Town of Mina.

Mina--\$7000 Justice Salary...\$6000 Court clerk salary...\$3400 operational expenses.

French Creek--\$2500 Justice Salary...\$2000 Court Clerk Salary...\$1500 operational expenses payable to Town of Mina.

Sherman--\$6700 Justice Salary...\$8300 Court Clerk Salary...\$2300 operational expenses payable to The Town of Mina.

These costs are inclusive of all normal operating costs including court facilities, office supplies, security, postage, and continuing education for staff. Each Town will be responsible for the cost of translators, stenographers, and jury trials individually, (none of these costs have been incurred by any of the Towns in recent years).

Benefits to the Towns:

Clymer, French Creek, and Sherman will have initial savings of required training for otherwise individual Judges and the lowering of security costs and office supplies.

Mina would receive a financial contribution toward their fixed costs of maintaining the physical facility.

An annual review will be done jointly by the four Town Supervisors for the purpose of adjusting expenditures as needed after doing a comprehensive analysis of court activity. Additionally, this agreement will be reviewed every Justice Election cycle.

RESOLUTION #24

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to accept the Justice Court Study dated 2/26/2021. MOTION CARRIED

- The following Resolution Calling for Public Hearing was presented:

WHEREAS, pursuant to section 106-b of the Uniform Justice Court Act, the Towns of Clymer, French Creek, Mina, and Sherman undertook a study relating to the election of a single justice to preside in the town courts of two or more adjacent towns, and

WHEREAS, the resulting Justice Court Study, dated February 26, 2021, has been completed, and after reviewing it the Town Boards of each of the involved Towns believes that it would be beneficial to proceed to operate the Town Justice Courts as aforesaid,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Sherman, shall hold Public Hearing on the Justice Court Study at 7:05 p.m. on April 8, 2021 at The Town Highway Building, 111A Mill St, Sherman, NY

RESOLUTION #25

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to accept the Resolution Calling for a Public Hearing on Thurs. April 8, 2021 at 7:05 p.m. MOTION CARRIED

- Supervisor Persons reported that Judge D Markey from the 8th Judicial had spoken with him about the appointment of Judge Christopher Penfold to serve as the interim judge for the Town of Sherman.
Judge Penfold came to the office today (Thurs. March 4, 2021) and talked with Supervisor Mark Persons, Court Clerk Theresa Tallman and Town Clerk Tammy Weise.
After discussion between Judge Penfold and Supervisor Persons, Judge Penfold said he would accept the appointment with a yearly salary of \$6700 plus 55 cents for mileage.

RESOLUTION #26

Supervisor Mark Persons made the motion, seconded by Councilman Howard Crump to accept the appointment of Judge Christopher Penfold as interim judge at a yearly salary of \$6700 plus 55 cents a mile. MOTION CARRIED.

- Discussion was held on the request from The Village Mayor that the village boundary be moved on the Sherman Findley Lake Rd. After discussion the Town Board felt that there would be no advantage to the Town of Sherman to have the boundaries moved.
- Clerk Weise requested that the April meeting be changed to April 8, 2021 as the first Thurs. of the month is April 1st and none of the monthly bills will be received by then.

RESOLUTION #27

Councilwoman Bessie Endress made the motion, seconded by Councilman Howard Crump to move the April Board meeting to Thurs. April 8, 2021 at 7:00 p.m.

MOTION CARRIED

MEETING ADJOURNED AT
Respectfully Submitted,

Tamera M Weise
Sherman Town Clerk