

SPECIAL MEETING
TOWN OF SHERMAN,
February 18, 2021

A Special meeting of the Town of Sherman Board was held on Thursday, February 18, 2021 at the Town Office Building, 111A Mill St, Town of Sherman, Chautauqua County, New York at 7:00 PM.

Present:

James L. Higginbotham	Council Member
Howard E. Crump	Council Member
Bessie V. Endress	Council Member
Ben Nickerson	Council Member
Tamera M Weise	Town Clerk

Guests: Gary Emory– Town Residence, Greg Gormley – Village of Sherman Code Enforcement Officer.

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

- Resident Gary Emory asked about the status of the dog complaint that he made at the Feb. 4, 2021 meeting. Clerk Weise advised that the dog control office had been notified of the complaint and that she is working on the situation.
- Village Code Enforcement Officer Greg Gormley was inquiring if Justice James VanVolkenburg’s position would to be filled after his Feb. 28, 2021 retirement. Supervisor Persons told Mr. Gormley that the Town Board is working on the Town of Sherman Justice Courts future and that as of now the Courts are closed indefinitely due to COVID 19.

RESOLUTION #15

APPROVAL OF MINUTES

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress approve the minutes from the Feb. 4, 2021 board meeting.

MOTION CARRIED.

CLERK/REGISTRAR’S REPORT

- Clerk Weise read the resignation/retirement letter from Town Justice James VanVolkenburg that was received in her office on February 8, 2021 stating that he will be retiring as of February 28, 2021.

RESOLUTION #16

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to accept Judge James VanVolkenburgs letter of resignation/retirement effect as of 2/28/2021.

MOTION CARRIED.

SUPERVISOR-

- Supervisor Persons reported to the Board that after hearing of Judge James VanVolkenburg's letter of resignation/retirement that he spoke with Justice Dennis Cooper who currently resides as Judge for The Town of Mina, French Creek and Clymer in regards to his possible interest in the appointment of interim Judge for The Town of Sherman Court. Supervisor Persons further explained that Judge Cooper is interested but the appointment must come from the 8th Judicial District. After further discussion on the matter;

RESOLUTION #17

Councilman Howard Crump made the motion, seconded by Councilman James Higginbotham to send the following letter of request to the Honorable M. Wm. Boller and Honorable Douglas Markey of the 8th Juridical District.

Honorable M. Wm. Boller
Honorable Doug Markey

Dear Sirs,

The Sherman Town Board accepted the resignation of Justice James VanVolkenburg on February 18, 2021, with an effective date of February 28, 2021. Prior to this Justice Douglas Neal retired (resigned) December 31, 2020.

The Sherman Town Board resolved to reduce the number of Justices to one Justice February 4, 2021. The Town of Sherman is currently involved in a study with the Town of Clymer, French Creek, and Mina pursuing the election of one Justice to serve all four Towns. The Towns are geographically connected and have established a successful record of cooperating and sharing services in the Highway Departments and Real Property Assessment services. Additionally the four Town's School districts overlap into neighboring towns.

In anticipation of a successful consolidation of the four Town's Justice Courts and the election of a single Justice to preside in the court of each of the Towns, and after discussing the entire matter with Justice Dennis Cooper, the Sherman Town Board is unanimously requesting the appointment of Justice Dennis Cooper as the Town of Sherman interim court Judge effective March 1, 2021.

Sincerely,

The Town of Sherman Town Board.

MOTION CARRIED.

- Supervisor Persons and Councilman James Higginbotham have been asked to be involved with the ongoing study with The Towns of Mina, French Creek and Clymer regarding the possibility of combined Courts.

The Following Resolution was presented to the board:

Towns of Clymer and Sherman Resolution in Support of a Single Town Justice for the Town of French Creek, Mina, Clymer and Sherman

WHEARAS, over the past several years the administrative and financial cost associated with maintaining a Justice Court has increased for each of the Towns; and

WHEARAS, the Town of Clymer has experienced, and continues to experience, increased difficulty with attracting and retaining qualified Justices of the Peace; and

WHEARAS, the Town of Sherman has experienced and continues to experience significant and substantial lowering of court activity in recent years; and

WHEARAS, the New York legislature has enacted legislation authorizing Towns that form a contiguous geographic area within the same County to elect a single justice to preside in the Town Courts of each of the Towns or to establish a single justice court for the Towns ; and

WHEREAS, The Towns of French Creek, Mina, Clymer, and Sherman wish to conduct a study to determine whether by sharing resources the three towns are able to streamline their Court systems, to reduce the financial costs to each town while maintaining judiciary service for its residents, and whether such sharing of services is in the best interest of each town.

NOW THEREFORE, BE IT

RESOLVED, that the Town of French Creek, the Town of Mina, the Town of Clymer, and the Town of Sherman hereby authorize a joint study to be undertaken to the consolidation of their respective Justice Courts and/or the election of a single Town Justice to preside in the Town Courts of each of the Towns. The study shall be conducted by a committee of two (2) members from each Town, each member to be appointed by the Supervisor of the respective Town.

RESOLUTION #18

Councilwoman made the motion, seconded by Councilman Ben Nickerson to pass **The Resolution in Support of a Single Town Justice for the Town of French Creek, Mina, Clymer and Sherman.**

MOTION CARRIED

AYE – 4 NAYE – 0

- A Public Hearing for April regarding the consolidation of the courts and presentation of the study will be set at the March 4th Board Meeting.
- Supervisor Persons brought to the Boards attention of an email that was received from Charter Communication in regards to the Public Hearing notice posted in The Jamestown Journal that there was an error in the publication. It referenced the Town of “Sheridan” in the title and that may have been confusing about what municipality was referenced and stated the public was not sufficiently noticed of the hearing and recommend that a new public hearing be held and publishing a new notification. After speaking with the Town Attorney Joel Seachrist he did not feel it was necessary as none of the public attended any

of the other Public Hearings in neighboring municipalities regarding the Franchise Agreements. The Board all agreed not to schedule another hearing. Clerk Weise will respond to the email and let them know the Town Boards decision.

- Councilman James Higginbotham made the motion to adjourn the meeting seconded by Councilman Howard Crump.

MEETING ADJOURNED AT 8:07 p.m.

Respectfully Submitted,

Tamera M Weise
Sherman Town Clerk