

## **VILLAGE OF SHERMAN**

### **MINUTES OF THE PUBLIC HEARINGS, REGULAR MEETING OF THE BOARD AND MEETING OF THE MUNICIPAL ZONING BOARD**

**Wednesday, August 10, 2022 at 6:00pm**

Mayor Meeder called the meeting to order at 6:06pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, Gary Emory and Chris Labuskes; Chief Operator Jay Irwin, Clerk-Treasurer Jeanette Ramm, Resident Carol Chase, and County Legislator Marty Proctor were in attendance. Andrew Meyerhofer and the press joined the meeting via Zoom.

#### **RES 2022-08-10.1: MINUTES**

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held July 13<sup>th</sup>, 2022, and the Special Meetings held on July 27<sup>th</sup>, 2022, and August 4<sup>th</sup>, 2022.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 5      Nays: 0      Carried

**Motion to suspend the regular meeting and enter into the public hearing of the 2020 CDBG Community Development Block Grants.**

Moved by Trustee Emory      Seconded by Trustee Labuskes

Ayes: 5      Nays: 0      Carried

### **PUBLIC HEARING OF THE 2020 CDBG (Community Development Block Grants) COMMUNITY PLANNING GRANT OF \$47,500 HOUSING REHABILITATION GRANT OF \$488,250 & CO-FUNDED PUBLIC INFRASTRUCTION GRANT OF \$1.25m for the WWTP IMPROVEMENT PROJECT**

**From the Housing Trust Fund Corp (HTFC) & NYSOCR Office of Community Renewal, NYS CDBG Community Development Block Grant, (*Federal Funds* administered by NYS).**

**The NYSOCR awarded more than \$20m in the 2020 round to assist communities across NY in addressing local community development needs and awarded more than \$14m for a variety of projects that address local affordable housing needs, making investments in homeownership opportunities and home rehabilitation programs. “Working collaboratively with local partners, these investments help to revitalize communities and improve the quality of life for the working families of New York by providing a better quality of living through local community investment programs.”**

**Sherman is an eligible recipient of CDBG funds due to the low MHI (median household income) and the funding was awarded to “keep the sewer rates affordable”; (whereas Sherman was not eligible for CDBG funding for the drinking water improvement project because the average water rates are well below what NYS has deemed affordable for the low MHI of residents).**

### **Past Community Development Block Grants (in recent years):**

- 2017 CDBG Community Planning Grant of \$50,000 for the \$52,500 Comprehensive Wastewater Improvement Study; the basis for which the Village of Sherman was successfully awarded and is constructing the WWTP Improvements on a nearly 45-year-old plant.
- 2018 CDBG Community Planning Grant of \$50,000 for the \$52,500 Drinking Water Improvement Study and the Comprehensive Stormwater Infrastructure Improvement Study, both developed PER's Preliminary Engineering Reports, resulting in completed SEQR State Environmental Quality Reviews. It was the basis for the successfully awarded NYSEFC Hardship Grant funding 60% of the \$2.4m Drinking Water Improvement Project, with 0% financing on the 40% local match, provided by documentation of the County's DOH of the poor condition of the water pumps and pump houses; along with the preparation for stormwater implementation grants.

### **Future Community Development Block Grants:**

- The Village is further researching CDBG offers of long-term financial benefits to businesses interested in economic development and job creation through the Small Business and Microenterprise programs. The property studied at 130 W Main St under the CDBG Planning Grant is intended to be the future site of a community center for 0-99, meeting early childcare needs and providing senior citizen programming along with other opportunities for a farmers' market, and small business incubator.
- The Village anticipates a 2023 CDBG Grant application for stormwater infrastructure; following the outcome of the 2022 CFA Consolidated Funding Applications to be announced this December, and other open grant applications, the Village will determine if it will be an infrastructure or co-funded infrastructure CDBG application.
- The Village foresees future application rounds for Housing Rehabilitation.

### **Current 2020 Community Development Block Grants awarded to the Village of Sherman:**

- **Community Planning Grant of \$47,500 toward a \$50,000 Downtown Market Analysis prepared by Camoin Associates, grant completed July 2022.**  
Mayor Meeder reviewed the 86pg Downtown Market Analysis available on the website. She highlighted some key elements and explained the purpose of the analysis is to be used as a tool supporting future grant applications, investment, discussions with realtors, developers, not-for-profit organizations, foundations and stakeholders, including the Chautauqua County IDA, which the mayor recently met with Nate Aldrich, the Economic Development Coordinator.
- **Housing Rehabilitation of \$488,250 for 8 single family residences, administered by CHRIC Chautauqua Home Rehabilitation and Improvement Corporation.** 7/5/2022  
CHRIC has received application from 12 applicants, 7 of whom have been verified to be eligible for assistance and one of whom is still working on submitting eligibility verification documents. One project is ready to go to contract, three out to bid and one more for inspection and write-up. However, the rehab staff was asked to put those on hold temporarily after a concern regarding the asbestos requirements. CHRIC is checking in with CDBG to get more clarification on the matter to determine how it may affect the anticipated schedule and costs. 8/10/2022 There are five sets of contracts that will be ready next week. Of the \$400,500 in construction costs, \$250,075 is set to be spent on those first five houses, with \$150,425 remaining for the other three houses. The projects average \$50,000 each, which includes lead fees; they range from \$26,250 to \$86,500 in rehabilitation for single family residential dwellings.

- **Co-Funded Public Infrastructure Grant of \$1.25m as part of the greater \$7m WWTP Wastewater Treatment Plant Improvement Project.** The co-funded public infrastructure grant was awarded at a higher amount than CDBG infrastructure grants without other funding agencies. The WWTP Project is funded by CDBG, NYSEFC Environmental Facilities Corporation’s WIIA Water Infrastructure Improvement Act Grant, and USDA RD Rural Development which has awarded grant and long-term financing for the WWTP Improvement Project. The purpose of the CDBG co-funded public infrastructure grant is for construction, and all \$1.25m in funds were paid to the general contractor H&K Services, the final payment is being processed by CDBG as we close this out.

# Capital Projects

## Wastewater Treatment Plant Improvement Project

	SEWER \$7,000,000	
2017	CDBG Planning Grant Application & Award for Study	
2018	Preliminary Engineering Study	
2019	Applications for USDA RD Loan & Grant+ EFC/WIIA 25% all Awarded	USDA Grant \$2,265,000 WIIA Grant \$ 980,500
2020	Engineering, (EFC short-term financing delayed by COVID)	
2021	Closed on EFC SRF, 2020 CDBG Application (\$1.25m AWARDED 5/21)	CDBG Grant \$1,250,000
2022	<b>Construction</b>	
2023	Construction Completion	USDA Loan \$3,922,000

Planning Grant  
 CDBG \$50,000  
 Village \$ 2,500

**The 2020 CDBG Co-Funded Public Infrastructure Grant of \$1.25m** was originally applied for in 2020 (RES 2020-06-03.7) but the 2020 CFA Application was delayed due to COVID. Our first public hearing was held on February 3, 2021, followed by the Application to the CFA (RES 2021-02-03.7) and it was awarded on May 18, 2021, followed by another public hearing held on June 2, 2021, where the award was accepted (RES 2021-06-02.16). Construction at the Wastewater Treatment Plant started in March of 2022, and this is the second public hearing (August 10, 2022) as we near completion of the CDBG Co-Infrastructure grant. Construction of the WWTP Improvement Project is anticipated to be completed by June 2023.

Mayor Meeder introduced **Andrew Meyerhofer, engineer from Barton & Loguidice**, who updated everyone on the progress of construction of the WWTP Project, from the newly installed infrastructure, SBR (Sequence Batch Reactor) and the new building on the hill to upgrades and retrofitting the old structure. There’s a new UV disinfection system being installed to replace the old chlorine tank. Everything is moving ahead on schedule, with an early anticipated completion date of February 2023.

During the section for public questions, for the benefit of the resident who neighbors the treatment plant, it was noted that the ground around the SBR will be filled back in so that the elevation of the building is the same as the ground, so the only new visual addition is the headworks building which is a single-story building that will have a pitched roof.

Mrs. Chase asked if there was any grant money left over after the project, could it be used to off set taxes, for example. Mayor Meeder explained that the grant money is always used exclusively for the stated project and any residual money must be returned to the funding agency.

**Motion to close the public hearing for the 2020 CDBG Grants at 6:47pm and enter into the public hearing for the Stormwater Bond Resolution Amendment.**

Moved by Trustee Watson    Seconded by Trustee Emory

Ayes: 5        Nays: 0        Carried

## **PUBLIC HEARING OF THE AMENDMENT TO THE STORMWATER BOND RESOLUTION**

**AMENDED & RESTATED, BOND RESOLUTION THAT WAS FIRST ADOPTED ON  
JULY 20, 2020, AUTHORIZING ISSUANCE OF BONDS & TO PAY THE COSTS OF  
IMPROVEMENTS TO THE VILLAGE’S STORMWATER MANAGEMENT FACILITIES**

### **SEGMENT OF THE ORIGINAL BASIS OF PROJECT:**

**WHEREAS**, the Village of Sherman, New York (the “Village”) intends to undertake a project (the “Project”) consisting of the construction of improvements and upgrades to the Village stormwater management facilities, including, but not limited to, installation of stormwater management retrofits and green infrastructure practices along Main Street; construction of porous pavement sidewalks, permeable asphalt parking and bioretention areas; Park Street drainage infrastructure improvements; construction of porous pavement shoulders along Park Street near the Sherman High School athletic fields; stormwater detention retrofit at or upgradient of the Sherman Community Nature Center; acquisition of three privately owned properties (191.8 acres in total) and construction of a stormwater detention area adjacent to the existing Nature Center pond (Alternative 1), or within one of the parcels proposed to be purchased by the Village (Alternative 2); pond retrofit north of Park Street and east of Sherman-Ripley Road; construction of a stormwater detention pond; dry detention pond retrofit upgradient of Sherman High School; construction of a dry detention pond retrofit; related site improvements, original furnishings, fixtures and equipment and other improvements incidental thereto, as well as environmental studies, architectural, legal and engineering fees, and all other necessary costs incidental to such work; and... estimated at \$3.5million (2019)

### **AMENDMENT TO BE MADE TO THE ORIGINAL BASIS OF PROJECT:**

**WHEREAS**, due to factors beyond the Village’s control the costs of the Project have increased by approximately \$1,350,000 and the Village has identified two additional parcels of land for potential future stormwater retrofit opportunities and the Village now desires to purchase those additional parcels at a cost of \$150,000 and include them in the Project, the total cost of which in now expected to be \$5,000,000 (2024)

Additional parcels are in Drainage Area 3 that floods Miller, Columbia, and Park Streets.

- ✓ SEQR has been conducted
- ✓ Long-term financing of \$3.5m is secured with USDA RD commitment

- ✓ 2022 CFA applications of \$2.3m to NYSEFC for GIGP, and \$899,000 NYSDEC for CSC
- ✓ NY Forward application in progress
- ✓ Congressionally Directed Spending request w/ Senators Schumer & Gillibrand
- ✓ 2023 CDBG Infrastructure Grant application

First awards will be announced in December 2022, engineering in 2023, and construction 2024

Motion to close the public hearing and resume the regular meeting of the Board of Trustees.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 5      Nays: 0      Carried

## **REGULAR BOARD MEETING:**

### **ZEO / CODE / GENERAL ENFORCEMENT**

In light of recent behavior by unsupervised teens in the village, Mr. Gormley is working to reinforce the Village Curfew and the local law prohibiting shooting in the Village.

There was some concern over the implication of the Vacancy Law – regarding a property owner being upset by the term “abandoned”. The mayor emphasized that the law reads “Vacant COMMA, Foreclosed COMMA, or Abandoned etc.” the criteria is detailed in the law. A property can be Vacant but not Foreclosed, or in this case Vacant but not ‘Abandoned’. Under the review of the Enforcement Officer an active building permit (*actually* active), and a property for sale – (actively for sale), are two ways the fee can be waived. The property does not immediately incur a vacancy fee... under the review of the Enforcement Officer in accordance with the law, the property will incur a vacancy fee within a year.

### **DEPARTMENTAL REPORTS FROM CHIEF OPERATOR**

- **SEWER** – operations are running smoothly.
- **WATER** – all the services are connected except for the barn and houses on Cornish Street. The contractors are off this week but will be back next week to complete this. The VFD will get the well at Pump #1 going after which we will be able to tear down the Pump #2.
- **STREETS** – Paving (by Tabone) working with the Country General at Klondyke Corner; Miller Street sidewalk is another example of the cooperative efforts and shared services. The Village is very appreciative of SCSD Buildings and Grounds Staff – Jared Oehlbeck, Ray Spacht, & Tony Reynolds for their concrete work; Larry assisted with hauling topsoil for the school athletic field – using the Town of Sherman’s truck. We have removed the bushes from the Minerva Free Library and are still doing improvements at Edmunds Park, along with volunteers from the Edmunds Park Committee.
- **STORMWATER** – We had to stop all other projects to address the Church Street problem, replacing pipes and DI’s (Drainage Inlet), we reduced the number of DI’s from 4 to 2. Some DI’s are to collect water and others to allow access to pipes, etc. And again, we are working with the Country General at the end of Klondyke Street.

## **CFA Applications were submitted on time:**

GIGP (Green Innovation Grant Program) – we have reapplied to the EFC for the Stormwater and Streetscape project on Main Street. This is the \$2.3M project of which we would have to fund 10% in cash.

Climate Smart – we applied to the NYS DEC for the Stormwater detention project at the Nature Center, i.e., the pond retrofit. This is a 50% match by the Village of which in-kind services and other things such as land, which we've already spent money on, will offset our contribution. This means we won't need to spend any more money, outside of our regular operating budget.

NYMS (New York Main Street) – we applied to the OCR (Office of Community Renewal) for the Main Street businesses – façades and awnings. Awards are announced in December.

The mayor expressed her appreciation for the many letters of support from various constituents, local, county, and state officials, including: NY State Senator George Borrello, Assemblyman Andy Goodell, Chautauqua County Executive Paul Wendel, Jr., County Legislature Marty Proctor, CC Historian Michelle Henry, Sherman Town Supervisor Mark Persons, CCIDA CEO Mark Geise and Economic Planning Development Coordinator Nate Aldrich, Chautauqua County Planning Coordinator Rebecca Wurster, CR2T President Bill Ward, Sherman Area Chamber of Commerce Co-Presidents Heather Ramsey & Amanda Meeder, CC Soil & Water Conservation District Field Manager David Spann, and local business owners Georgia Peck of Sherman's Inn on Main, Bill Piazza & Kelly Jo Becker of Feelin' Saucy, BK Wine & Spirits, and the Sweet Meadows Shoppe.

## **Update on other Grant Funding Applications (non-CFA):**

EV Charging Stations – things are progressing smoothly.

## **Status of Outstanding Grant Applications (non-CFA):**

RBDG (Rural Business Development Grant) – we are waiting for the builder to fix up the old building behind the village office so we can put up the permanent signs. The project should be complete by the end of September 2022.

## **CAPITAL PROJECT UPDATES**

**COMPREHENSIVE PLAN** – we are sending Letters of Intent to apply for the following:

- **NY FORWARD Program Grant** is an all-encompassing grant that includes building rehabilitation, stormwater, streetscape, and economic and community development. It includes a 'planning component' as well, which means it helps with the 'soft costs'. \$2.25m or \$4.5m grant. Application is due September 23<sup>rd</sup>, 2022. Grant provided by the NYS DOS – Department of State, through the REDC – Regional Economic Development Council.
- **RESTORE NY Communities Initiative** will require a non-profit partner to apply for the restoration of 130 West Main Street. The Village would apply on October 11<sup>th</sup>. The Grant is provided by the NYS ESD (Empire State Development) Department and the application is processed through the portal for the CFA (Consolidated Funding Application).

## **SEWER**

- Screw Press Bid – received 2 bids (which will be address in the motion under new business), the block is completed for the headworks building, UV piping is being installed, the Duperon Flexrake was delivered.
- Anticipate being operational before winter, however the project will not be complete until *after* February 2023.

## **WATER**

- VFD (Variable Frequency Drive) - issues with time of delivery of the VFD have delayed the completion of Pump #1.
- #1 Well is nearly complete, and the removal of #2 will follow immediately.
- Connections along Cornish are nearly complete (barn still needs to be connected), Osborne pushes are scheduled for next week.

## **COMMITTEE UPDATES**

Sherman Day Committee – The mayor congratulated the Sherman Day Committee on a VERY successful Sherman Day! Compliments all around! It was well attended and VERY well organized. She thanked the members and volunteers for their efforts in making this a great return to our community's most cherished event!

12 Committee Members including Doug and Rose Crane, Michelle Emory, Ken and Chris Labuskes, Heath Reed, Bob & Kathy Crane, Heather Ramsey, Bonnie and Ron Meeder, Pastor Tim Minge and Jeanette Ramm worked tirelessly to organize and promote Sherman Day. Jeanette shared some of the highlights from the weekend:

There were 43 participants in the parade, 37 vendors, and 20 cornhole teams. The winners of the cornhole tournament were Ryan Hartman and Scott Cooley, and the runners up were Michael Courtney and Ryan Robson. Chuck McDonnell won \$575 from the 50/50, and generously donated \$325 back to the committee.

## **MAYORAL ADDRESS**

- The mayor discussed meeting protocols: every 'meeting of a quorum of public officials' is an official meeting requiring notice to the public. A 'regular' board meeting is merely a routinely or regularly scheduled meeting to conduct business. 'Special' board meetings are just meetings convened outside of the regularly scheduled meeting but require all the same notifications. In the extremely rare event, a special meeting is convened in under 24hrs for an emergency purpose, at minimum the press must be notified. The public hearings, work sessions, and executive sessions are 'sessions' held within a 'meeting of a quorum of public officials' for the purpose of conducting business.
- Later going into executive session, the mayor took a moment to express to the Board, her appreciation for the work of District Attorney Jason Schmidt's office in coordination with the Jim Quattrones' Chautauqua County Sheriff's Department and NYS Comptroller DiNapoli's Office in pursuing the theft case; it had several challenges along the way - not the least COVID closing offices for an extended period.

## **PUBLIC PARTICIPATION**

- Carol Chase from the Minerva Free Library presented the 2022-2025 Long Range and Short-Term Plan for the library and a Year in Review 2021-2022. The library board is investigating

adding the Minerva Free Library Budget to the annual school referendum and tax bill;  
removing the current \$10,000 budget from the Town of Sherman operational budget.

**FINANCIAL REPORTS FROM CLERK-TREASURER**

General Checking Account: Balance (08/10/2022) is \$297,607.23 & book balance \$274,677.45  
NYS Fund Bank Account: Balance (08/10/2022) is \$0  
Sewer Project Bank Account: Balance (08/10/2022) is \$980.00 & book balance (\$503,480.63)  
Water Project Bank Account: Balance (08/10/2022) is \$0 & book balance (\$43,497.62)  
Stormwater Project Account: Balance (08/10/2022) is \$86,332.60 & book balance \$83,007.60  
Parks Fund Account: Balance (08/10/2022) is \$24,028.45 & book balance \$23,475.30  
Climate Smart Account: Balance (08/10/2022) is \$198,958.75  
CD Account: Balance (08/10/2022) is \$0  
CD Transfer: N/A  
Account Adjustments: N/A

**RES 2022-08-10.2: VOUCHER #3 2023**

Motion to accept Voucher #3 for \$1,073,764.46 for July 2022, of which \$529,282.74 is from the NYS Special Fund, \$474,683.17 is from the Sewer Project Fund, \$38,946.62 is from the Water Project Fund, \$553.15 is from the Parks Fund, \$3,325.00 is from the Stormwater Project Fund and \$0 is from the Climate Smart/Economic Development Fund. The General Fund includes \$6,292.36 for Solar and \$25,000 for the CDBG Market Analysis.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

**RES 2022-08-10.3: IRS MILEAGE RATE OF 62.5 CENTS**

Motion to accept the IRS mileage is 62.5 cents effective July 1<sup>st</sup>, 2022.

Moved by Trustee Emory Seconded by Trustee Labuskes

Ayes: 5 Nays: 0 Carried

**Additional Financial Review:**

The mayor emailed the AUD (Annual Updated Document) for the Board Members to review. The Annual Financial Report for the Village of Sherman Fiscal Year 06/01/2021-05/31/2022 was submitted on 7/28/2022, within the 60-day deadline. Mayor Meeder explained the governmental fund coding system. A – General is the summary of the Village accounting for the General, Fire, Buildings (on Main Street), Parks & Recreation, and the ARPA stimulus funds. H – Capital Projects includes all individually accounted for projects: (currently active) Water, Sewer (approved by EFC & CDBG and not approved by EFC), Solar, and Stormwater. Similarly, the CD- Special Grant fund is the accounting of all economic and community development projects, incl. RBDG - signs, CDBG – Downtown Market Analysis, NYMS-TA – Downtown Building Feasibility Study, NYSDEC – ZEV Infrastructure (EV Charging Stations) and the closed NYSDEC – Climate Smart Communities Comprehensive Plan. The mayor reviewed the Statement of Indebtedness, discussing the short-term BAN’s (Bond Anticipation Notes) vs. long-term bonds, the Water & Sewer exempt debt, and the other non-exempt debt in relation to the Village’s debt limit – set by NYS Law.

**OLD BUSINESS:**

No old business was discussed.

**NEW BUSINESS:**

**RES 2022-08-10.4: WWTP SCREWPRESS BID AWARD**

Motion to approve and authorize the mayor to accept the bid for the “Screwpress”, a portable dewatering component in the wastewater treatment process, as part of the WWTP Improvement Project. After receiving two bids, and upon the recommendation of Barton & Loguidice, the Village herein selects BDP Industries for \$314,500:

Moved by Trustee Sanders    Seconded by Trustee Emory

Ayes: 5      Nays: 0      Carried

**RESOLUTION AUTHORIZING THE AWARD OF  
WWTP MOBILE SCREW PRESS PROCUREMENT CONTRACT FOR THE  
WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Sherman, held on August 10, 2022, the following resolution was adopted by the Village Board of Trustees.

**WHEREAS**, the Village of Sherman (Village) is the owner of the Wastewater Treatment Plant Improvements Project (“Project”); and

**WHEREAS**, pursuant to New York State Municipal Law, bids for WWTP Mobile Screw Press Procurement Contract were received, publicly opened and read aloud on August 9, 2022 at the Village of Sherman Village Hall.

**WHEREAS**, the Village’s Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and BDP Industries, Inc. submitted the lowest bid that met the criteria outlines in the bid documents.

**WHEREAS**, B&L provided a Recommendation of Award letter to the Village for the WWTP Mobile Screw Press Procurement Contract for the Wastewater Treatment Plant Improvements Project which recommended for the Village to award the WWTP Mobile Screw Press Procurement Contract to BDP Industries, Inc. for the amount \$314,500.00.

**NOW, THEREFORE, BE IT RESOLVED** that based on the recommendation of B&L, the Village of Sherman Board of Trustees hereby awards the WWTP Mobile Screw Press Procurement Contract for the Wastewater Treatment Plant Improvements Project to BDP Industries, Inc. for the amount \$314,500.00.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of Sherman by a motion from Trustee Sanders and seconded by Trustee Emory on August 10, 2022, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Chris Labuskes, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

**RES 2022-08-10.5: AMENDMENT OF STORMWATER BOND RESOLUTION**

**AMENDED AND RESTATED BOND RESOLUTION OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, ADOPTED ON AUGUST 10, 2022, AMENDING BOND RESOLUTION ADOPTED JULY 20, 2020 AUTHORIZING ISSUANCE OF BONDS OF THE VILLAGE OF SHERMAN TO PAY THE COSTS OF IMPROVEMENTS TO THE VILLAGE’S STORMWATER MANAGEMENT FACILITIES**

**WHEREAS**, the Village of Sherman, New York (the “Village”) intends to undertake a project (the “Project”) consisting of the construction of improvements and upgrades to the Village stormwater management facilities, including, but not limited to, installation of stormwater management retrofits and green infrastructure practices along Main Street; construction of porous pavement sidewalks, permeable asphalt parking and bioretention areas; Park Street drainage infrastructure improvements; construction of porous pavement shoulders along Park Street near the Sherman High School athletic fields; stormwater detention retrofit at or upgradient of the Sherman Community Nature Center; acquisition of three privately owned properties (191.8 acres in total) and construction of a stormwater detention area adjacent to the existing Nature Center pond (Alternative 1), or within one of the parcels proposed to be purchased by the Village (Alternative 2); pond retrofit north of Park Street and east of Sherman-Ripley Road; construction of a stormwater detention pond; dry detention pond retrofit upgradient of Sherman High School; construction of a dry detention pond retrofit; related site improvements, original furnishings, fixtures and equipment and other improvements incidental thereto, as well as environmental studies, architectural, legal and engineering fees, and all other necessary costs incidental to such work; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), the Village is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Village and the approval of this resolution constitutes such an action; and

**WHEREAS**, by Resolution adopted July 20, 2020 (the “2020 Bond Resolution”), the Village Board determined that the Project constitutes a "Type I Action" under 6 NYCRR § 617.4 of the Regulations that will result in no significant adverse impacts on the environment and a negative declaration was issued; and

**WHEREAS**, due to factors beyond the Village’s control the costs of the Project have increased by approximately \$1,350,000 and the Village has identified two additional parcels of land for potential future stormwater retrofit opportunities and the Village now desires to purchase those additional parcels at a cost of \$150,000 and include them in the Project, the total cost of which is now expected to be \$5,000,000; and

**WHEREAS**, pursuant to SEQRA, the Village is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Village and the approval of this resolution constitutes such an action; and

**WHEREAS**, the Village Board, as Lead Agency, has updated the Parts 1, 2, and 3 of the Full Environmental Assessment Form (FEAF) prepared in connection with the 2020 Bond Resolution to reflect the change in project scope, and subsequently notified all Interested and Involved agencies of the amendments made to the Project, in support of re-issuing a Determination of Significance; and

**WHEREAS**, pursuant to the SEQRA Regulations, the Village Board, as Lead Agency, considered the significance of the potential environmental impacts of the amended Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, (b) examining the amended FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF and Part 3 Evaluation Document, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern; and

**WHEREAS**, by Resolution adopted July 27, 2022, the Village Board confirmed that the Project (including the additional two parcels) is a Type I Action which has been determined will not

have any significant adverse impact on the environment as provided in the amended FEAF documents attached to such resolution.

**NOW, THEREFORE BE IT RESOLVED ON AUGUST 10, 2022, BY THE VILLAGE BOARD OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:**

**Section 1.** The maximum estimated cost of the Project is \$5,000,000. For the specific object or purpose of financing the cost of undertaking the Project, including all related construction, renovations, site improvements, original furnishings, fixtures, equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such improvements are to be used, as well as environmental studies, architectural, legal and engineering fees and all other necessary costs incidental to such work, there are hereby authorized to be issued up to \$5,000,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Village, pursuant to the provisions of the Local Finance Law and the levy of a tax to pay principal and interest on said obligations, and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. Undertaking the Project is hereby approved. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local Finance Law.

**Section 2.** The plan for the financing of the cost of the Project shall be as follows:

- (a) By the issuance of up to \$5,000,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, of said Village herein authorized; and
- (b) By the application of state and/or federal grants and assistance available or any revenues available for such purpose from any other source and the acceptance of such grants, assistance and revenue and the application of such fund to the costs of the Project are hereby approved.

**Section 3.** The full faith and credit of the Village, is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. All the taxable real property within said Village shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds.

**Section 4.** Subject to the provisions of the Local Finance Law and this bond resolution, the power to authorize the issuance of and to sell serial bonds and any bond anticipation notes in anticipation thereof, including renewals of such notes, is hereby delegated to the Village Clerk/Treasurer, the chief fiscal officer. Such bonds and notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Clerk/Treasurer, consistent with the provisions of the Local Finance Law.

**Section 5.** All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation

with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Clerk/Treasurer, the chief fiscal officer of the Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Clerk/Treasurer shall determine consistent with the provisions of the Local Finance Law.

**Section 6.** Such bonds shall be in fully registered form and shall be signed in the name of the Village of Sherman, New York, by the manual or facsimile signature of the Village Clerk/Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Village Clerk. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

**Section 7.** The Village Clerk/Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation and/or the United States Department of Agriculture – Rural Development, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 2 hereof, or a portion thereof, by a bond, and/or note issue of the Village in the event of the sale of same to the New York State Environmental Facilities Corporation or to such other entity as may be designated by the United States Department of Agriculture – Rural Development. The intent of this resolution is to give the Village Clerk/Treasurer sufficient authority to execute those applications, agreements, and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Village Board.

**Section 8.** The Village hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

**Section 9.** The following additional matters are hereby determined and declared:

- (a) Pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is 40 years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

**Section 10.** The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Village’s General Fund. It is intended that the Village shall then reimburse expenditures from the General Fund with the

proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Village’s “official intent” within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

**Section 11.** The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 12.** Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 13.** The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the Project.

**Section 14.** This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This Resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

**WHEREFORE**, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on August 10, 2022, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Chris Labuskes, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

Moved by Trustee Watson      Seconded by Trustee Labuskes

Ayes: 5      Nays: 0      Carried

**B&L WATER PROJECT AGREEMENT AMENDMENT #2**

	Current	Amendment No. 2	Difference
3b. Subcontracted Services	\$ 37,000.00	\$ 27,000.00	\$ (10,000.00)
3d. Permitting Assistance	\$ 10,000.00	\$ 6,000.00	\$ (4,000.00)
4. Resident Project Representative:	\$ 86,000.00	\$ 100,000.00	\$ 14,000.00
			\$ 0.00

Agreement Summary:

Original agreement amount:	\$ 412,000.00
Net change for prior amendments:	\$ 0
This amendment amount:	\$ 0
Adjusted Agreement amount:	\$ 412,000.00 (NO CHANGE)

Change in time for services (days or date, as applicable): NONE

**RES 2022-08-10.6: B&L WATER PROJECT AGREEMENT AMENDMENT #2 WITH \$0**

Motion to approve Amendment No.2 to the agreement between the Village of Sherman and Barton & Loguidice for engineering services for the Drinking Water Improvement Project originally dated March 2, 2020; and accept the mayor’s signature on the executed document on August 2, 2022. This amendment does not adjust the agreement amount but reflects the work that has resulted in more Construction Observation; therefore B&L is altering the distribution of compensation between project phases, reducing the amount previously estimated for subcontracted services and permitting assistance and increasing the amount for the Resident Project Representative, for onsite inspection.

Moved by Trustee Emory      Seconded by Trustee Watson

Ayes: 5      Nays: 0      Carried

**RES 2022-08-10.7: B&L VDE AMENDMENT #1 FOR DISSOLUTION CONSULTATION**

Motion to approve the amendment to the Master Service Agreement between the Village of Sherman and Barton & Loguidice as the Village Designated Engineer for Technical Assistance for Potential Dissolution Petition, when requested, not to exceed \$3,000.

**Technical Assistance for Potential Dissolution Petition - Consultant’s Scope of Services**

B&L will assist the Village with the following general technical assistance services, when requested:

1. Clarifying the Dissolution Process Timeline
2. Identifying Key Elements and Milestones in the Dissolution Process
3. Developing a Fact-Based Potential Dissolution Outcome White Paper
4. Assisting the Village Board with Constituent Questions Regarding Dissolution

Moved by Trustee Labuskes      Seconded by Trustee Sanders

Ayes: 5      Nays: 0      Carried

**RES 2022-08-10.8: NY FORWARD APPLICATION & RESTORE NY LETTER OF INTENT**

Motion to record the Letter of Intent was submitted to the NYSDOS (Dept of State) for the NY Forward application, encompassing the greater Main Street and business district area, stormwater, building improvements, and economic development initiatives and approve the Letter of Intent to be submitted August 11, 2022, to the NYSESD (Empire State Development) for the RESTORE NY funding application for the rehabilitation of 130 West Main Street into a community center.

Moved by Trustee Watson    Seconded by Trustee Emory  
Ayes: 5            Nays: 0            Carried

**RES 2022-08-10.9: B&L VDE AMENDMENT #2 FOR NY FORWARD**

Motion to approve the amendment to the Master Service Agreement between the Village of Sherman and Barton & Loguidice as the Village Designated Engineer for Technical Assistance for grant application assistance for the NY Forward program, not to exceed \$20,000.

Moved by Trustee Sanders    Seconded by Trustee Watson  
Ayes: 5            Nays: 0            Carried

**RES 2022-08-10.10: NEW STREET NAMED - CREEKSIDE LANE**

Motion to add a new street connecting Hart Street and Franklin Street, and to accept the community's vote for the street to be named "Creekside Lane", and herein authorizing the streets superintendent to add the new street to the Village of Sherman mileage inventory with the NYSDOT.

Moved by Trustee Emory    Seconded by Trustee Labuskes  
Ayes: 5            Nays: 0            Carried

**RES 2022-08-10.11: WWTP SCREWPRESS TRAILER**

Motion to approve and authorize the mayor to purchase an 8.5' X 28' trailer for the WWTP mobile Screwpress from Reedy Branch Equip Co LLC, located in Georgia, for \$16,082, plus delivery costs; upon the recommendation of the Chief Operator after providing three quotes.

Moved by Trustee Emory    Seconded by Trustee Labuskes  
Ayes: 5            Nays: 0            Carried

**Motion to move into Executive Session** at 8:48pm to discuss legal matters, with no action to be taken following the executive session.

Moved by Trustee Watson    Seconded by Trustee Sanders  
Ayes: 5            Nays: 0            Carried

**Motion to adjourn the meeting at 9:38pm.**

Moved by Trustee Emory    Seconded by Trustee Watson  
Ayes: 5            Nays: 0            Carried

Respectfully submitted,  
Jeanette Ramm  
Clerk-Treasurer

**Next Meeting:**            **Possible Special Meeting to be called to address timely legal matters.**  
**Regular Board Mtg Wednesday, September 14<sup>th</sup>, 2022 at 6pm**