

REGULAR MEETING /PUBLIC HEARING ON LOCAL LAW No. 1-2021,
“A LOCAL LAW TO INCREASE THE 2021 SALARY OF TOWN JUSTICE
JAMES L. VANVOLKENBURG”
TOWN OF SHERMAN,
February 4, 2021

A regular meeting/ Public Hearing of the Town of Sherman Board was held on Thursday, February 4, 2021 at the Town Of Sherman Highway 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
Dennis Sweatman	Highway Superintendent

Guests: Greg Osman – CEO, James VanVolkenburg – Town Justice, Doug Neal – Retired Town Justice, Gary Emory, Greg Rater & Zack William – Town Residence

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

PUBLIC HEARING LOCAL LAW 1-2021:

Supervisor Persons called to open the Public Hearing at 7:05 p.m. and asked if anyone had any questions or concern on Local Law No. 1-2021 Increasing the 2021 Salary of Town Justice James L. VanVolkenburg to \$5000.00.

Justice VanVolkenburg said that he felt the \$5000 was an insult to him, he is requesting that the Board increase his 2021 salary to \$7500.

Town resident Greg Rater had some questions and concerns regarding the salary increase along with Judge VanVolkenburgs request.

After there were no more questions/concerns:

RESOLUTION #7

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to close the Public Hearing. MOTION CARRIED 4-yes 0-NO

- Greg Osman- CEO gave his monthly report for January as follows:

Number of inspections for January are 13

Number of inspections this year are 13

Number of Permits issued for January are 0

Number of Permits for this year are 0

Dollar Amount of Permits for January are 0

Dollar amount of Building this year are \$0

Miles traveled for January are 68

- Town resident Greg spoke to the Board on NYS Environmental Law article 24 in regards to Chautauqua County being able to assume jurisdiction of Slab City Organics and asked the Sherman Town Board if they would send a letter to Chautauqua County Attorney Stephen Abdella requesting Chautauqua County to consider assuming the transfer of Jurisdiction according to article 24.
- Town resident Gary Emory brought forth a complaint of an unleashed dog on Columbia St. and questioned the board on who the current Dog Control Officer was. Supervisor Persons explained to Mr. Emory that the Town Board would be appointing a second Dog Control Officer at tonight's meeting to assist the current Dog Control Officer Sandy Kochanowski as she is dealing with some health issues.

RESOLUTION #8

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 of the last Resolution in the minutes should be changed from #5 to #6.

MOTION CARRIED.

RESOLUTION #9

ABSTRACTS/CLAIMS

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to approve payment of General Claims #8 through #22 in the amount of \$9,450.94, Highway Claims #7 through #22 in the amount of \$20,385.29 and Youth Claims #1 in the amount of \$391.25 MOTION CARRIED

JUDGE'S REPORT

Judge VanVolkenburg's January report shows fines of \$529.00, civil fees of \$145.00 and surcharges of \$452.00 for a total of \$1126.00.

CLERK/REGISTRAR'S REPORT

- Clerk Weise brought to the Boards attention that the window in the hallway by the bathroom/storage room along with the tile floor in the office entry need to be replaced. . The tiles are pulling up from the floor. Clerk Weise did ask Daniel Miller for a quote: his cost to do the work would be \$3150.00.
After discussion the Board requested that Clerk Weise would need to have three quotes for the job.
- Clerk Weise asked that the Board appoint someone to Audit the 2020 Books of the Court and Town Clerk

RESOLUTION #10

Supervisor Mark Persons made the motion, seconded by Councilman Howard Crump to appoint Councilwoman Bessie Endress to Audit the 2020 Books of the Court and Town Clerk and report back to the Board. MOTION CARRIED.

The Fund Balance was presented to the Board as follows:

Justice Holding	\$ 1,986.00
General Fund	\$202,806.44

Highway Fund	\$239,121.29
Youth Checking	\$ 208.67
Youth Savings	\$ 5,173.00

General CD	\$80,000.00
Highway CD	\$95,024.15

Both CD's are to mature on 2/8/2021

ASSESSOR'S REPORT

January Assessor Report

- There were 4 deeds recorded in November.
- Exemption Renewal Applications have been mailed, and are due back by March 1, 2021.
- Once the exemption renewal process has completed, I will begin inspections 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.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Dennis Sweatman presented the following to the Board:

- The new loader bucket for the John Deere Tractor was received/installed and is working well.
- The 2020 CHIPS money was cut by 20% but news received today that the municipalities will receive 15% of that back.
- After speaking with the Chautauqua Lake Snowmobile club about the trail on the Bement Rd., Dennis was told they had put up some stakes to direct the snowmobile traffic to the trail and if they go outside of those stakes it is the snowmobiler's responsibility. Supervisor Persons had also spoke with Brenda at Edwards Insurance and she said the Town is covered under the insurance should an issue occur.

SUPERVISOR-

- Supervisor Persons reported to the Board that he hadn't been able to make contact with Sandy Kockanowski in regards to a dog incident and felt the need to see about possibly hiring a 2nd person to help Sandy at this time. Supervisor Persons contacted Kelly Thornton to see if she might be interested in the position of the second Dog Control Officer. Kelly said she would accept the position upon Board approval for \$15.00 per hour plus reimbursement of the purchase of a dog control pole and a dog crate. The cost would be approximately \$300.

RESOLUTION #11

Councilman James Higginbotham made the motion, seconded by Councilwoman Bessie Endress to appoint Kelly Thornton as the second Dog Control Officer at the rate of \$15

per hour and to reimburse her for the equipment she needs to purchase. MOTION CARRIED.

- Supervisor Persons asked the Board if anyone had any other questions/comments on Local Law No. 1-2021.

Mr. Persons did bring to the Boards attention that he had been invited to sit in on a meeting with three other municipalities who are talking about shared services with their courts and that if interested, welcomed the Town of Sherman to take part in that study. Mr. Persons made the remark that this might be a good option down the road for The Town of Sherman.

RESOLUTION #12

Councilman Howard Crump made the motion, seconded by Councilman James Higginbotham to adopt Local Law No. 1-2021 Increasing the 2021 Salary of Town Justice James L. VanVolkenburg to \$5,000 for the year 2021.

- Supervisor Persons presented the following Resolution to the Town Board:

TOWN OF SHERMAN RESOLUTION TO REDUCE NUMBER OF TOWN JUSTICES FROM TWO TO ONE

WHEREAS, the volume of matters in the Town of Sherman Justice Court has declined substantially in recent years; and

WHEREAS, the Town Board of the Town of Sherman has determined that it would be in the best interest of the Town to reduce the number of town justices from two to one in that there is no need for two justices to handle the current case volume; and

WHEREAS, the term of office of current Town Justice Douglas Neal expires on December 31, 2021, and

WHEREAS, Justice Neal resigned as of January 1, 2021 and the Town Board has opted to not fill the position;

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the provisions of subparagraph 2 of section 60-a of the Town Law of the State of New York as follows:

1. The number of town justices of the Town of Sherman shall be reduced from two to one, with the unfilled office of Town Justice Douglas Neal being abolished, effective January 1, 2022; and

2. In accordance with the provisions of paragraph 2 of section 60-a of the Town Law, this resolution shall not become operative or effective unless and until thirty days have elapsed after its adoption and no petition protesting against this resolution signed and authenticated as required by law has been filed with the Town Clerk of the Town of Sherman, or if such petition is so filed, a proposition for approval of this resolution has been submitted at the next general election or a special election for that purpose pursuant

to said section and received the affirmative vote of a majority of the voters voting thereon.

Discussion was held and questions answered on the Resolution to reduce the number of Town Justices from two to one.

RESOLUTION #13

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to accept the **Resolution to Reduce the Number of Town Justices from Two to One.**
MOTION CARRIED YES – 4 NO - 0

• **RESOLUTION# 14**

Councilwoman Bessie Endress made the motion, seconded by Councilman James Higginbotham that the Town of Sherman write a letter to Chautauqua County Attorney Stephen Abdella to consider assuming the transfer of Jurisdiction according to NYS Environmental Law article 24 and Slab City Organics. MOTION CARRIED

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