

VILLAGE OF SHERMAN
MINUTES OF THE REGULAR BOARD and the
MUNICIPAL ZONING BOARD MEETINGS
Wednesday, March 4th, 2020 at 6:00pm

The Mayor opened the regular meeting at 6:00pm and led everyone in the Pledge of Allegiance. Board members Colleen Meeder, Isaac Gratto, Donna Higginbotham, and Ryan Sanders, Clerk-Treasurer Jeanette Ramm, Tanya Beatman and the press were present. Trustee Kirk Ayers sent apologies.

RES 2020-03-04.1: PREVIOUS MINUTES

Motion to accept the previous minutes of the Public Hearing, Regular Board Meeting and the meeting of the Municipal Zoning Board held February 5th, 2020.

Moved by Trustee Gratto Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

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

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

Colleen Meeder and Greg Gormley ZEO/CEO met with John Steinmetz of Barton & Loguidice (B&L) and Ken Swanekamp of the Town of Tonawanda Planning Board on February 26th. They discussed the process of permit applications relating to zoning, planning, and building code, as well as the role of the Municipal Zoning Board and the Zoning Board of Appeals (ZBA). If a resident is unhappy with a decision made by the Municipal Zoning Board, or the Zoning Enforcement Officer, they can take it to the ZBA to appeal it.

Tanya Beatman intends to put up a shed for home retail purposes and the mayor explained that there are various factors that must be considered i.e. the size of the building, if its attached to the ground or a floating structure, how far it is from other buildings and the property line, etc. These are covered under the building code and would need the CEO's approval. The Municipal Zoning Board can give a "special use permit" which is temporary and doesn't stay with the property. This board cannot give an area variance or use variance, only the ZBA can give a variance. An area variance would be to build closer to the property line or construct a larger building than is normally permitted while a use variance is almost never granted because it is permanent, for example, allowing commerce on a residential property i.e. rezone the property.

Mrs. Beatman said that she's just starting up and is uncertain how quickly her business will grow or how long it will take to become profitable. She is just trying it out at this time. In response to a question she said there would not be any semi-trucks delivering. She explained that mailing the merchandise out was not an option since some of the items are 50-100lbs. People would be picking merchandise up from her house. She discussed using her basement versus the shed. Mayor Meeder explained that this was not a prepared item on the agenda, and more research would be required before a definite decision could be made. She didn't want to involve the Village Attorney if Mrs. Beatman wasn't sure she is definitely pursuing this, but it appeared that no commercial (retail or

wholesale) business could be permitted in a residential R1 zoned area. Mrs. Beatman queried the pallet shop on Kipp Street, but it is zoned Rural R2, which allows for agricultural business; R2 is the most lenient zoning. The mayor said Sherman is a quiet, rural community and the Board needs to protect everyone's interests. She said she didn't have an answer tonight, but it does appear as though no retail is permitted in R1 areas. The mayor would investigate our laws and zoning and get back to Mrs. Beatman.

The trustees discussed the dumpster permit applications. Janet Dawley has requested keeping her dumpster. There have been no issues with the smell or rats for the past two months and as long as she continues to comply with all zoning codes Mr. Gormley has no opposition to her request. It is situated at the front of the house, but for now there is no issue. The Griswold dumpster is also residential but has had no issues. Since the school and village do a lot of shared services, it was suggested to waive their permit fee.

RES 2020-03-04.2: DUMPSTER SPECIAL USE PERMITS

Motion to approve annual dumpster special use permits for the following with *no conditions*:

Residential: Griswold 121 Cornish St, and Janet Dawley 108 Columbia St.

Commercial: Brunch Café and Westfield Family Physicians on E Main St.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

RES 2020-03-04.3: DUMPSTER SPECIAL USE PERMIT SCSD

Motion to approve annual dumpster special use permit for the following with *no conditions*:

Sherman Central School District, at no charge.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

The fence at the Dollar General is an ongoing problem. Their original drawings did not include the fence, but they were asked to delineate their property from the others for privacy and to prevent trash blowing out or truck lights shining into neighboring property windows. They complied, but with no regard to where the property lines are or quality. The fence fell over, and the developer and Dollar General couldn't agree who was responsible which caused delays in its repair, which was substandard. Now the post has broken, and boards are coming loose. This was before the extreme wind conditions we just experienced, which could prove dangerous with loose planks. Our law provides protection of our residents under - **Zoning Law Section 505 Transition between Districts.**

RES 2020-03-04.4: DOLLAR GENERAL FENCE SEC.505

Motion to instruct the Zoning/Code Enforcement Officer to mandate the Dollar General to maintain the fence surrounding the property, which serves as a transition and separation between the commercial C1 and residential R1 districts, in accordance with LL 1-2009 Section 505.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

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

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:

WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT

The mayor said how fortunate it was we were given the empty buildings because they are in such bad shape with leaks, cracked walls, poor flooring and mold, etc. They've been empty for so long with damp and poor ventilation that if they'd remained unmaintained any longer, they would have deteriorated beyond repair. Doug Crane and his crew have fixed some broken windows and a dry/wet vent issue at the Food Pantry, but there is so much more work needed to be done. The village is considering apply for another Consolidated Funding Application (CFA) grant (\$50,000 grant with a \$2,500 village match) which is due in July. This would allow us to have engineers and architects do a planning grant for all four donated buildings and complete the second phase of the environmental review and the actual testing of the tanks at 130 West Main Street.

We're also looking at a NYS Main Street grant through NYS Homes and Community Renewal (HCR). This is also a planning grant and we'll discuss more details at our April 1st public hearing.

The USDA RD Community Facility Program Grant application was submitted with preliminary estimates on a vehicle and equipment for our streets department. A public hearing will be held on April 1st, to present the details.

More water meters have been installed and the drainage problem in the public parking next to Graham's Market is being worked on. Mr. Crane is waiting for the 'dig safe' approval to open the area in front of Tex's Quick Stop. Back in the day they didn't remove the old pipes and there was no mapping, so we are not sure what we'll find. Mr. Crane is also working on a flooding issue (not stormwater) at the George residence on Willard Street. He will coordinate with Mayville to use their camera which will allow us to see how the pipes connect between Church and Willard Streets.

WATER PROJECT

As per the granter's requirements, motions for the water project will include:

- Approving the B&L Engineering Agreement which is estimated at \$412,000
- Engagement letter for Peter Clark as our attorney for the water project

Once these requirements have been met, the surveying and preliminary design will begin, and the EFC short-term financing application will be submitted this week.

SEWER REPORT FROM CHIEF SEWER OPERATOR

Matt Zarbo of B&L is in daily contact with Jay Irwin. The mayor added that we could not manage all the various grants and projects without the professional services and assistance of the engineers at Barton & Loguidice, Matt in particular.

Mr. Irwin would like to subscribe to the Diamond Maps system which would tie in with the RAFA system later. It will allow us to map our water, stormwater, and sewer lines, as well as the hydrants for only \$25/month.

SEWER PROJECT

We have received the \$300,000 BAN from Greene County Commercial Bank, who was the only bank to bid at 1.93%. The preliminary design has begun, and the sewer project invoices will be paid out of this account. Our EFC Short-term financing application has been submitted and when this comes through, we will pay off the BAN which is callable.

Our USDA RD Letter of Conditions Section III requirements have been submitted.

PLANNING BOARD REPORT

The Planning Board met on March 2, 2020 and John Steinmetz of B&L joined them. They toured the donated buildings and then reviewed the 2009 Village Zoning Law. There are some discrepancies between sections in the Zoning Law which we plan to begin refining.

The stormwater infrastructure update was received from Ken Knutsen. Main Street will be the first priority, after which the next priorities will be determined. This is an ongoing, evolving project. In a few months we'll know what areas we will apply for Green Innovation Grant Program (GIGP). The next Planning Board Meeting is scheduled for Mon, March 30th, 2020 at 4pm at the Village Office.

STEERING COMMITTEE

The Steering Committee, led by Rose Crane, met with John Steinmetz on March 2nd. They reviewed our policy statements, and started looking at 'why Sherman?' What will make Sherman sustainable, what do people want, what do people need, what improvements can be made, for example, better telecommunications, more fiber optics – not for the Village, but for the greater Sherman area. The next meeting is scheduled for Monday, March 30th, at 6pm at the fire hall (upstairs).

TREE “Beautification” COMMITTEE - (Parks & Recreation Subcommittee)

The Tree Committee, with a representation of seven community members, as led by Mary Swanson discussed the following topics:

- Types of trees, power lines, which streets to begin on: focus was on Park & Miller Streets
- Succession planning for streets like Columbia, Willard and First that already have existing trees that may need to be replaced
- How to raise money, what grants and volunteers are available
- Soil and water conservation

The next meeting will be Thursday, March 12th, at 6:30 at the Village Office.

COMMUNITY DEVELOPMENT CORP (CDC)

There are so many needs in our community, from the Food Pantry to low income housing needs; and Dana Lundberg, SCSD Attorney, is helping us with the engagement letter, application, incorporation filing, bylaws and policy development for the CDC 501c3. This is a joint venture with Sherman Central School. The village would appoint 3 members and the school will appoint 2 for the board, and they don't have to be village residents.

MAYORAL ADDRESS

Tree Committee: Most municipalities have Tree Committees, and the municipal board is the authority, but do we want to be in the tree business? Our village started plowing sidewalks in 1893, and we still are plowing sidewalks, while most municipalities don't do this. Do we want to commit to tree maintenance? These are big questions we are still investigating.

Chautauqua Rails to Trails (CR2T):

Streets Superintendent, Chief Operator, Z/C Enforcement Officer, and the Mayor are to meet with CR2T on Friday, March 6th to discuss connecting Sherman to Corry, through Clymer, and where the trail would cross the I86, and well as what opportunities this trail extension will present. Patrick

Johnson, previously in law enforcement who now teaches criminal justice at SUNY Fredonia, has some ideas to help with trail clean-up and improvements. He also has criminal justice students interested in patrolling the trail. Another meeting will be set up with Patrick Johnson to discuss this further.

FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (03/04/2020) is \$28,134.05 & book balance \$10,485.43
NYS Fund Bank Account: Balance (03/04/2020) is \$2,500.00 & book balance \$935.00
Sewer Project Bank Account: Balance (03/04/2020) is \$300,102.52 & book balance \$288,404.52
CD Account: Balance (03/04/2020) is A\$150,065.03, B\$0
CD Transfer: N/A
Unpaid Taxes N/A
Account Adjustments: N/A

RES 2020-03-04.5: VOUCHER

Motion to approve Voucher #10 for \$51,244.94 as presented for February 2020, of which \$5,735 is from the NYS Special Fund, and \$11,713 is from the Sewer Project Fund.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

RES 2020-03-04.6: WATER PROJECT CHECKING ACCOUNT

Motion to approve the opening of an additional checking account with Community Bank, NA in the name of the Village of Sherman EFC Water Project, for the expressed purpose of collecting funds and expending funds related to the drinking water infrastructure improvement project.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

CASH BUDGET REVIEW

The mayor handed out financial statements and the trustees reviewed the accounts for each fund's receivables and expenditures through February. The annual water and sewer relevy was also addressed. The mayor explained for people still concerned about our spending on studies, that the \$50,000 study grant had a \$2,500 village match, of which 65% will be reimbursed as part of our sewer project. Therefore, our actual spending of taxpayer's money is \$875. Some budget items, including the loan for the loader, were also covered.

OLD BUSINESS:

RES 2020-03-04.7: OUTSTANDING W&S BALANCE

Motion to accept the mayor's recommendation that due to over two years of insufficient payments, and in lieu of participating in payment plans offered by the Village of Sherman, Terry Tallman has until April 15th to make arrangements to bring the water and sewer account #43 with the present balance of \$2,008.39 + March penalties will equal \$2,022.99, current otherwise a shut off notice and process will commence. After which the full balance including reconnection fees must be paid in full and cleared by the bank before service will resume. (This is in accordance with the law.)

Moved by Trustee Gratto Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

RES 2020-03-04.8: WATER BOND RESOLUTION CERTIFICATION

Motion to accept the Clerk’s certification of the Bond Resolution for the Drinking Water Infrastructure Improvement Project on February 11th, 2020.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

NEW BUSINESS:

RES 2020-03-04.9: LEGAL COUNSEL FOR WATER PROJECT

Motion to approve and authorize the mayor to sign the letter of engagement with Peter Clark and the Village of Sherman for the agreement of legal services for the Drinking Water Infrastructure Improvement Project, not to exceed \$12,500.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Trustee Kirk Ayers arrived at 8:00pm

RES 2020-03-04.10: WATER ENGINEERING AGREEMENT

Motion to approve and authorize the mayor to sign the agreement between the Village of Sherman and Barton & Loguidice, D.C.P. for professional services involving the engineering of the “Water System Improvements Project”, for drinking water infrastructure.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.11: FUND FOR WATER CAPITAL PROJECT

Motion to add and approve the use of the ‘H’ Capital Fund named ‘HFX-Water Capital Project’ to allocate all moneys on the balance sheet and revenue and expense statement related to the Drinking Water Infrastructure System Improvements, in accordance with GAAP & GASB accounting of government capital projects.

Moved by Trustee Gratto Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.12: DIAMOND MAPS – SUBSCRIPTION (approx. \$25/m)

Motion to approve the monthly subscription of the Diamond Maps program to be used in coordination with the RAFA system, for water & sewer, streets hydrants and stormwater assets.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.13: SEWER USER AGREEMENTS

Motion to approve and authorize the mayor to sign the Sewer Users Agreement with sewer customers outside the Village boundary.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.14: TREE PLANTING INITIATIVE

Motion to approve up to \$2,500 in street and parks trees and accessories from Chautauqua County Soil and Water Conservation and Arbor Day Foundation, at the discretion of the Tree

“Beautification” Committee and in cooperation with National Grid guidelines for planting trees near power lines.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.15: COMMUNITY DEVELOPMENT CORPORATION

Motion to approve and authorize the mayor to sign any and all related documents in the formation of the Community Development Corporation as a joint venture with Sherman Central School District, whereas the Village serves as the Primary Government (PG) and the School as the Component Unit (CU).

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

Community Development Corporation (CDC) counsel for formation purposes: the agreement between the Village of Sherman and Dana Lundberg, ESQ, is for the expressed purpose of counsel on the special project for filing all related documents to establish the CDC.

RES 2020-03-04.16: COMMUNITY DEVELOPMENT CORPORATION

Motion to approve and authorize the mayor to sign the engagement letter with Dana Lundberg, ESQ for the special project of establishing a Community Development Corporation in cooperation with Sherman Central School District, at a contracted rate of \$180/hour.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.17: CODE ENFORCEMENT TITLE

Motion to rescind the RES:2020-02-05.16, to appoint Gregory Gormley to the combined position of Zoning Enforcement Officer and Code Enforcement Officer for the Village of Sherman.

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Gregory Gormley holds multiple positions in the Village of Sherman, that cover many responsibilities including zoning & code enforcement, public safety / crossing guard in coordination with Sherman Central, streets and sanitation labor, and community coordination with law enforcement and CR2T members.

RES 2020-03-04.18: ENFORCEMENT TITLE

Motion to approve Gregory Gormley’s position of Enforcement Officer which includes the authority to enforce the Village Zoning Law, Village Municipal Code and ICC Building Code adopted by New York State, at the rate of \$14.25/hr. Gregory has until February 5th, 2021 to successfully complete all 6 classes of code school (as per NYS law) in order to continue enforcing the ICC / NYS Building Codes. All of Gregory Gormley’s regular hours will be paid at \$14.25/hour, regardless of departmental expense.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2020-03-04.19: APRIL PUBLIC HEARINGS

Motion to schedule a Public Hearing for Wednesday, April 1st, at 6pm at the Village Municipal Office for the Village Board Members to present the following items:

- 06/2020-05/2021 Annual Budget
- USDA RD Community Facility Program's grant application for streets vehicle & equipment
- NYS CDBG's grant application for \$1,000,000 in co-funding for the WWTP Project
- NYS CDBG's planning grant application for the four municipally owned Main St properties
- NYS Main St planning grant application for non-municipally owned Main St properties

The Public Hearing(s) are to be published in the Post Journal and posted at the Post Office ten days prior to the meeting.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

There was a brief Executive Session to discuss legal contract matters, no further action was taken.

Motion to adjourn the meeting at 9 p.m.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer

PLEASE NOTE: All meetings were rescheduled due to the Governor's executive orders regarding the Corona Virus COVID-19 pandemic.

485B MARK GRAHAM

DON'T PRINT

Notes:

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| Planning Board | Mon, Feb 3 rd , 4pm, Village Office |
| COMP PLAN Steering Committee | Mon, TBA, 6pm, Fire Hall (upper room) |
| Public Hearing (Water & Stormwater CDBG) | Wed, Feb 5 th , 6pm, Village Office |
| Regular meeting | Wed, Feb 5 th , 6pm, Village Office |
| Community Visioning Workshop #2 | TBA |

Future Meeting Items:

- 2018-2019 FY Audit by Financial Committee
- Collection Policy
- Draft Laws (amendments) 2020
- Budget 2020-2021
- Kirk- Vehicle expense allocation for Water Fund, future reserve discussion**

Accept the Clerk's Bond Resolution Certification

RES 2020-03-04.4:

Motion to Graham's Market, LLC dumpster permit \$.

Moved: Seconded:

Ayes: Nays: