

VILLAGE OF SHERMAN

MINUTES OF THE REGULAR MEETING OF THE BOARD & MEETING OF THE MUNICIPAL ZONING BOARD

Wednesday, February 9th, 2022 at 6:00pm

At 5pm Mayor Meeder presented the second part of the “State of the Village” – a report by the chief executive officer on the current conditions of the Village of Sherman, with a focus on departmental stability and operations. The address was presented to residents at the Village Office and via Zoom. There was two people in attendance and two via Zoom. This presentation is available on the website at www.shermanny.org/government/state-of-the-village.

The Regular Meeting of the Board followed the address at 6pm. Mayor Meeder opened the meeting with the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson and Gary Emory, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, Enforcement Officer Greg Gormley, Residents Chris Labuskes and Russell Hayes, County Legislator Marty Proctor, and the press were in attendance.

RES 2022-02-09.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held January 12th, 2022.

Moved by Trustee Emory Seconded by Trustee Sanders
Ayes: 4 Nays: 0 Carried

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

Moved by Trustee Watson Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

RES 2022-02-09.2: ANNUAL DUMPSTER SPECIAL USE PERMIT

Motion to approve the following annual dumpster permit: 118 Columbia Street – residential with no conditions.

Moved by Trustee Emory Seconded by Trustee Watson
Ayes: 4 Nays: 0 Carried

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

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:

ZEO / CODE / GENERAL ENFORCEMENT

- Mr. Gormley is currently drafting our Village Zoning Amendments, i.e., fences, defining a separate business district from the commercial district, etc.
- He is investigating Rental Registration Laws as well as Air B&B Laws, in order to prevent poor property management of absent landlords.

- He is working with the Animal Control Officer regarding drafting a Municipal Law to regulate cats.

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

- **SEWER** – the WWTP upgrades should begin in April. Kyle Rhebergen's classes, which begin at the end of March, are online, evening classes so his workday hours will need to be adjusted accordingly.
- **WATER** – we restored the temporary tap under the advisement of the DOH; the contractors are installing dry wall and the electrical work at the new pump house.
- **STREETS** – the Main Street lights were changed to a Valentine's Day theme. The street plow is still waiting for parts. Larry is retiring next year so we are looking at CDL Class B licensing, which will affect next year's budget as a CDL license, as with a water certification, means a \$1/hr raise. We are having issues with traffic/trucks at the Main Street – Franklin Street T-junction. We are investigating how to improve this and may need to speak to the DOT. We have also been in discussion with Cris Loutzenhiser (Cooler Bar & Grille) who would like to pave behind the Cooler in conjunction with a Village project, so we are looking at paving the south side of the alley from Franklin to Hart Street, behind the Cooler Bar & Grille to the old Ford Garage. This alley is owned by the Village, while the alley from Graham's Market to the Post Office is all privately owned.
- **STORMWATER** – regarding the GIGP (EFC – Green Innovation Grant Program) for the Main Street Stormwater Project, the Mayor and Ken Knutsen and Nicole Cleary of Barton & Loguidice met with the EFC to debrief following the announcements of the 2021 awards, which the Village of Sherman was not awarded. Of the 89 applicants, 17 projects were awarded. Of the \$20m of EFC grants for water meters, energy efficiency, and stormwater, \$10.2 was awarded for stormwater. The Village received a 47, just under the 50 points needed. There are seven unawarded projects above the Village. The Village scored well on the elements of the project. The disadvantages to the Village in scoring are that the Village is not an environmental justice community and does not have an impaired body of water (meaning there are no concerns with French Creek). The Regional Economic Development Council gave the Village 15 of 20 eligible points. This is the area the Village can improve by contacting the council members to impress upon the need for this project. The Village is committed to reapplying in July 2022 to the CFA (Consolidated Funding Application).

Other applications through the CFA for stormwater will likely include a grant for WQIP (Water Quality Improvement Project) Program funds.

Barton & Loguidice is investigating the FEMA grant due in April for stormwater. The mayor explained the most immediate need is in drainage area 3-7 (from Miller Street, behind the west side of Columbia, onto Park Street).

Also, on the subject of stormwater, the mayor discussed using ARPA (American Rescue Plan Act) funds for engineering of stormwater phases to be more shovel ready. This will be discussed more in the March meeting and decided in April.

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

EV Charging Stations – we received notice from NYSDEC (Department of Conservation) for the final execution by NYSOSC (Office of the State Comptroller). This is a rebate/grant so we will do the bond resolution to cover the upfront cost for the project which will be reimbursed by the DEC i.e., a short-term loan.

Status of Outstanding Grant Applications (non-CFA):

RBDG – Rural Business Development Grant was awarded to the Village in September 2021 in the amount of \$16,000. They had staff turnover which delayed our notification to proceed. With the Village match the project equals \$19,038 for signs along the Clymer-Sherman Road, 10 mobile signs and a trailer. We already have 10 mobile signs ready and are working with the businesses to get the signs printed.

CAPITAL PROJECT UPDATES

COMPREHENSIVE PLAN

- **NYMS-TA Downtown Feasibility Study**
Clinton Brown has begun to share concept plans with property owners. Examples of some proposals were passed around for everyone to view.
- **CDBG (Community Planning) Downtown Market Analysis**
Alexandra and Tom from Camoin Associates visited Sherman on Thursday January 27th, and met with area business owners, investors, and realtors regarding the Market Analysis for the Village of Sherman. They will be meeting with the Steering Committee to go over their findings and suggestions to determine the three properties to focus their feasibility study.

SEWER PROJECT

- With the completion of the amended Bond Resolution for \$7m we will now amend the B&L contract to restore the original full engineering contract.
- The Screw Press quote is now \$100,000 more than budgeted so our engineer is suggesting we leave it out of the project. There is a Local Government Efficiency Grant which is for two or more municipalities for \$200k per participating municipality. This is a 90% grant, with a 10% match but we don't know all the details i.e., which municipality is the lead applicant, who manages the grant, who would own the screw press, etc. Other WWTPs have expressed interest in using our screw press when it is available.

WATER PROJECT

- The concrete was removed from the pump house and replaced with new concrete, now meeting the Engineer's specifications for the new water treatment building.

COMMITTEE UPDATES

MAYORAL ADDRESS

- **Cannabis** – Mayor Meeder explained that it is legal to smoke anywhere it is legal to smoke cigarettes. Local municipalities could not opt-out of 7 of the 9 licenses to be issued by the Cannabis Management Board.
 - The Cannabis Management Board will not be accepting applications until 2023
 - No license fees have been determined
 - The regulations are still being established
 - Cannabis cannot yet be grown on personal property (anticipated later this year)

PUBLIC PARTICIPATION

Mr. Hayes wanted to speak to the board, but it was decided that given the proprietary nature of his business, it would be addressed during Executive Session.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (02/09/2022) is \$200,578.13 & book balance \$166,776.92
NYS Fund Bank Account: Balance (02/09/2022) is \$0
Sewer Project Bank Account: Balance (02/09/2022) is \$0 & book balance (\$30,637.67)
Water Project Bank Account: Balance (02/09/2022) is \$9,145.34 & book balance (\$5,398.06)
Stormwater Project Account: Balance (02/09/2022) is \$92,455.10
Parks Fund Account: Balance (02/09/2022) is \$27,033.22
CD Account: Balance (02/09/2022) is \$0
CD Transfer: N/A
Account Adjustments: N/A

RES 2022-02-09.3: VOUCHER #9

Motion to accept Voucher #9 for \$71,101.60 for January 2022, of which \$0 is from the NYS Special Fund, \$21,727.67 is from the Sewer Project Fund, \$14,673.40 is from the Water Project Fund, \$0 is from the Parks Fund, and \$0 is from the Stormwater Project Fund.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

RES 2022-02-09.4: BOND RESOLUTION – 1 YEAR RE: EV CHARGING STATIONS

A regular meeting of the Village Board of the Village of Sherman, in the County of Chautauqua, New York was held at the Village offices located at 111 Mill Street, Sherman, New York on February 9, 2022, at 6:00 o'clock P.M. (Prevailing Time).

There were present: (Board Members)

Colleen Meeder, Mayor
Ryan Sanders, Trustee
Dennis Watson, Trustee
Gary Emory, Trustee

There were absent: (Board Members)

None

Also present:

Jeanette Ramm, Village Clerk/Treasurer

* * * * *

The following resolution was offered by Trustee Sanders, who moved its adoption, and second by Trustee Emory, to wit:

BOND RESOLUTION OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, ADOPTED ON FEBRUARY 9, 2022, AUTHORIZING ISSUANCE OF \$300,000 BONDS OF THE VILLAGE OF SHERMAN TO PAY THE COSTS OF ELECTRIC VEHICLE CHARGING STATIONS, INCLUDING ENGINEERING, CONSTRUCTION, ADMINISTRATION, AND PURCHASE AND IMPROVEMENTS TO THE PARKING LOTS IN THE VILLAGE.

WHEREAS, the Village of Sherman, New York (the "Village") intends to undertake a project (the "Project") consisting of adding NYSDEC ZEV Electric Vehicle Charging Stations, including engineering, construction, administration, and purchase and improvements to the parking lot, 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;

NOW, THEREFORE BE IT RESOLVED ON FEBRUARY 9, 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. By Resolution adopted January 12, 2022, the Village Board determined that the Project constitutes an "Unlisted 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.

Section 2. The maximum estimated cost of the Project is \$300,000. 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 \$300,000, 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 3. The plan for the financing of the cost of the Project shall be as follows:

- (a) By the issuance of up to \$300,000, 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 4. The full faith and credit of the Village, is hereby irrevocable 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 30 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 not exceed five (5) years.

Section 11. 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 12. 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 13. 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 14. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the Project.

Section 15. This resolution shall not be subject to permissive referendum because the debt obligation has a maturity of not more than five (5) years from the date of the bonds under to Local Finance Law Section 36.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on February 9, 2022, the result of which vote was as follows:

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

Moved by Trustee Sanders Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

RES 2022-02-09.5: B&L SEWER ENGINEERING CONTRACT AMENDMENT #3

Motion to approve Amendment #3 to the agreement between the Village of Sherman and Barton & Loguidice to reestablish the \$175,000 amount previously reduced by Amendment #2 in Resolution 2021-12-08.6.

Moved by Trustee Watson Seconded by Trustee Emory
Ayes: 4 Nays: 0 Carried

RES 2022-02-09.6: E&B SQUARED – CONTRACT FOR WWTP INSPECTION

Motion to approve the agreement between the Village of Sherman and E&B Squared Consulting LLC for inspection on the Wastewater Treatment Plant Improvement Project.

Moved by Trustee Emory Seconded by Trustee Watson
Ayes: 4 Nays: 0 Carried

RES 2022-02-09.7: SEQRA FOR FRENCH CREEK PARKS PROJECTS

Proposed Action: VILLAGE OF SHERMAN FRENCH CREEK MASTER PLAN

**RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF SHERMAN
VILLAGE BOARD TO ACT AS LEAD AGENCY**

WHEREAS, the Village of Sherman (Village) is proposing the French Creek Master Plan (Project), located in the Village of Sherman, Chautauqua County, New York; And

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2(al); and

WHEREAS, it is the intent of the Village of Sherman to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, Part I of a Short Environmental Assessment Form (SEAF) has been completed, reviewed by the Village of Sherman Village Board, and will be circulated to all Involved and Interested Agencies for purposes of establishing the Village of Sherman Village Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Village of Sherman Mayor hereby is authorized to sign Part I of the SEAF (page 3); and

IT IS FURTHER RESOLVED AND DETERMINED, that the Village of Sherman Village Board will send said Part I of the Short Environmental Assessment Form and associated site figure to the attached list of “Interested/Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA; and

IT IS FURTHER RESOLVED, that the Village of Sherman Mayor, together with the Village of Sherman Attorney and B&L, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on February 9, 2022, the result of which vote was as follows:

Colleen Meeder, Mayor Aye

Ryan Sanders, Deputy Mayor Aye

Dennis Watson, Trustee Aye

Gary Emory, Trustee Aye

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2022-02-09.8: RE-SCHEDULE MARCH REGULAR BOARD MEETING

Motion to schedule the March Regular Meeting of the Board of Trustees for Wednesday, March 9th, at 6:00pm; following the “State of the Village” report at 5pm, to be held at the Village Office; and post the notice at the Post Office, in the Post Journal and on the website.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Motion to move into Executive Session at 7:23pm to discuss pending contracts, and meet with Russ Hayes regarding proprietary information related to his personal business, with no action to be taken following the executive session.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Motion to exit the executive session and adjourn the meeting at 8:50pm.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Respectfully submitted,

Jeanette Ramm

Clerk-Treasurer

**Next Meeting: Regular Board Meeting Wednesday, March 9th, 2022 at 6pm
(State of Village Address Part III at 5pm)**