

VILLAGE OF SHERMAN
MINUTES OF THE
REGULAR MEETING OF THE BOARD
& MEETING OF THE MUNICIPAL ZONING BOARD
Wednesday, October 12, 2022 at 6:00pm

Mayor Meeder called the meeting to order at 6:10pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, and Dennis Watson; Chief Operator Jay Irwin, Clerk-Treasurer Jeanette Ramm, and County Legislator Marty Proctor were in attendance. Trustee Emory sent his apologies as he was running late at work.

RES 2022-10-12.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held September 14, 2022, and the Special Meeting held on September 26, 2022.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 3 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING: (Not required)

ZEO / CODE / GENERAL ENFORCEMENT - Harassment Issues

- The Village Enforcement Officer has been dealing with his neighbor who has been harassing him because the neighbor does not like the way the Enforcement Officer has addressed the fence issue on an adjacent property. The Enforcement Officer has been working within the law, as it is currently written, and is under the supervision of the Municipal Zoning Board. This is one of the challenges of working within the community you live – it is difficult to separate your work and homelife when people take liberties to access you or harass you during your off-hours. This harassment has expanded to the Officer's wife and children.
- The neighbor has escalated the issue and is now also waiting on other Village employees and photographing any activity within the vicinity of the Enforcement Officer's home. This is making the other Village employees very uncomfortable.
- Mr. Piszczek was sent a certified letter requesting he stop this behavior otherwise the Village may have to resort to contacting the Sheriff's Department and pursuing legal action. A copy of the certified letter was sent to the Village attorney.

REGULAR BOARD MEETING:

Trustee Emory joined the meeting.

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

- **WATER** – the new #1 pump for the water treatment plant is working, and Doug Crane is digging to locate the old system pipes for the final shut off, which will happen as soon as the new system is complete and certified.
- **STREETS** – S. Tabone Paving & Sealcoating will be contracted to complete a list of driveway approaches along Willard and East Streets, see motion #3. Because of time constraints urgent driveways will be given priority and less serious driveways may be

postponed until Spring. Priority will be given to 143 West Main Street where the Village caused damage while repairing collapsing water pipes and old stormwater drains a few years ago, before the current board served.

- **STORMWATER** – work was done on Franklin Street, and they had started adding DI's along Edmunds Park and Creekside Lane, but this had to stop to work on the drinking water issues at the reservoir and do the conversion to the new system.

CAPITAL PROJECT UPDATES

SEWER

- We are still having issues with the pipes for the blowers into the SBR (sequencing batch reactor). The ductile iron pipe incorporated into the design requires a particular size pipe for pressure and velocity which is a custom-order and still not available. We have already waited nine months, without any date of availability. We had considered PVC which is rated for up to 200 degrees, but that does not meet the project specifications. With co-funding grantors there are multiple engineers reviewing and approving the materials and design of the project. Therefore, to meet the specifications of the plant and potential blower temperatures, we will process a change order for schedule 40 and schedule 80 steel pipe, which must all be AIS (American Iron & Steel) to meet the federal grant requirements. The change order details are listed in motion #6. The only other change order we've made was to acknowledge the increase in the David-Bacon wage rates, i.e., prevailing wage.
- All the equipment for the project is now on site, apart from the tertiary tanks, so there should not be any need for another change order before completion of the project. With only two changes, the project has run smoothly.

WATER

- The new pump #1 is running and the conversion from the old system to the new system is being made at the reservoir. It is our hope to close off the last of the old water mains in the coming weeks. There is nearly as much loss of water daily as there is actual use. Aside from the waste of this natural resource, this is causing flooding in some areas and undermining of the ground.

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

EV Charging Stations – The equipment delivery is expected February/March. BECC Electric and Northrup are reviewing the schedule, hoping to potentially begin preparation work this fall.

RBDG (Rural Business Development Grant) – the sign project is complete; the final documents have been submitted and we are awaiting confirmation and the final payout. We do have one last task, to have the last permanent signs put up on Hart Street.

Restore NY Application – it was decided to postpone the application until January 2023 for a thorough, better prepared application.

NY Forward Application – Mayor Meeder was accompanied by Nicole Cleary and Matt Zarbo of Barton & Loguidice for the presentation before NYSED (Empire State Development) on Thursday, October 6th, in Buffalo. The fifteen-minute presentation went very well and was followed up with questions relating to population size and demographics, and the level of which investors have

committed to these individual projects. The Village is waiting to hear what the next step is in the application process.

COMMITTEE UPDATES

Trail Committee – Patrick Johnson (CR2T & Erie to Pittsburgh Trail board member) and several others walked the properties they had received permission for, between Bailey Hill Road and the transfer station in Sherman. This is approx. 2.3 miles of the 6 miles they are looking to extend the trail to link up to North Clymer. CR2T (Chautauqua Rails to Trails) has received permission from all but one property between Sherman and North Clymer.

Steering Committee & Planning Board – were planning to meet this month, but this was postponed due to the NY Forward application.

Tree “Beautification” Committee – Jeanette Ramm reported there are 34 new trees being planted this season, and thanked Jared Oehlbeck from Sherman Central School for collecting the trees.

Sherman Chamber of Commerce – the next Chamber event is the Lighted Tractor Parade, which will be December 10th. The Village is hoping to have three pieces of equipment in the parade.

MAYOR

- **2022 Halloween Trick or Treat Hours** were set for 5pm until 7pm on Monday, October 31.
- **Annual Insurance:** the insurance period was shorted to 11/11/22 through 5/31/23 so that the new period would start on 6/1/23 to align with the construction of two major projects adding nearly \$10m in assets, bringing us up to another level of insurance. The 6/1 start date also coincides with the Village fiscal year and will make the annual insurance process much more efficient.
- **2022 Audit:** The auditors have begun and were onsite for a couple of days. The AUD (Annual Updated Document) filed with NYSOSC in July went through review, there were coding questions, and the only change between funds and schedules was the activity around the EV Stations was moved from CD-Special Grants to H-Capital Projects because of the financing component. The auditor indicated that at this time they only see minor adjustments to FY 2021-2022, (primarily related to GASB 34 reporting requirements) which can be accounted for as prior period adjustments on the 2023 AUD (which will then be called an AFR – Annual Financial Report as NYSOSC is changing the reporting system).
- **Sound System** – Bob Crane asked the Village to install a portable outdoor sound system since the current speakers used for Sherman Day could only be heard by people near the mill. A proper sound system would benefit our community events like Memorial Day observance, Sherman Day, and the Tractor Parade. The Parks Committee offered to purchase the system and we have Josh Cole of Cole Electric looking into this.
- **Christmas Tree** – the mayor proposed putting up a large Christmas tree on the corner of West Main and Hart Streets, kicking off the Christmas week where Sherman Deck’s the Halls.

PUBLIC PARTICIPATION

There was no public participation.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (10/11/2022) is \$201,326.12 & book balance \$176,955.58
NYS Fund Bank Account: Balance (10/11/2022) is \$0
Sewer Project Bank Account: Balance (10/11/2022) is \$552.74 & book balance (\$574,936.77)
Water Project Bank Account: Balance (10/11/2022) is \$0.01 & book balance (\$6,313.75)
Stormwater Project Account: Balance (10/11/2022) is \$83,007.60
Parks Fund Account: Balance (10/11/2022) is \$20,445.54 & book balance \$18,145.54
Climate Smart Account: Balance (10/11/2022) is \$192,958.75
CD Account: Balance (10/11/2022) is \$0
CD Transfer: N/A
Account Adjustments: N/A

RES 2022-10-12.2: VOUCHER #5 2023

Motion to accept Voucher #5 for \$616,932.93 for September 2022, of which \$0 is from the NYS Special Fund, \$575,509.51 is from the Sewer Project Fund, \$6,353.76 is from the Water Project Fund, \$2,300 is from the Parks Fund, \$0 is from the Stormwater Project Fund and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

OLD BUSINESS:

QUOTES FOR MISC STREETS DEPT WORK RES 2022-09-26.3

RES 2022-10-12.3: ACCEPT PAVING QUOTE

Motion to accept the \$13,450.00 estimate from S. Tabone for paving of unfinished driveway approaches at 108 Willard, 106, 108, 114 East, and 143 Park Streets, and the driveway on Kipp and West Main Streets.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

NEW BUSINESS:

RES 2022-10-12.4: USE OF STORMWATER BAN FUNDS FOLLOWING ESTOPPEL

Motion to accept the estoppel period for the Stormwater Bond Resolution has passed and approve the use of monies available in the Stormwater Bond Anticipation Note to reimburse the General Fund for the purchase of the properties SBL: 311.00-2-27 and 311.00-2-6.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2022-10-12.5: RESTORE NY APPLICATION AMEND TO JAN 2023 DUE DATE

Motion to amend the prior RES 2022-10-12.11 regarding the October 11, 2022, application for Restore NY to the next round due January 2023.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2022-10-12.6: WWTP REVISION OF FORM E – STAINLESS STEEL PIPE

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 12th day of October, 2022, at 6:00 o'clock p.m., the following resolution was offered by Trustee Emory who moved its adoption, seconded by Trustee Sanders, to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting Revisions to the “Village of Sherman Wastewater Treatment Plant Improvements Project”, Capital Project as administered through USDA Rural Development. The Village Board hereby modifies the following Administrative and Construction budget items to the upcoming Form E #6:

A.3 Net Interest - \$76,881 move to Construction – Construction Contracts – Contract 1A - General line item;

C.1a Construction – Construction Contracts – Contract 1A – General - \$76,881 move from Net Interest

The reason for these modifications is to cover costs associated with Change Order #2 changing the aeration piping from ductile iron to stainless steel, recently approved by USDA-RD as too much net interest expense was allocated at the beginning of the project and will not be needed.

THIS BUDGETARY MODIFICATION RESULTED IN A TOTAL DECREASE OF NET INTEREST BY \$76,881, MAKING TOTAL NET INTEREST, \$13,382.50 AND AN INCREASE TO CONSTRUCTION-CONSTRUCTION CONTRACTS – CONTRACT 1A - GENERAL FOR THE TOTAL AMOUNT OF \$4,268,881 ON THE UPCOMING FORM E #6.

WHEREAS, the Village of Sherman, Village Board has reviewed the Form E Capital Outlay Budget category and,

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on October 12, 2022, the result of which vote was as follows:

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

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

RES 2022-10-12.7: WWTP IMPROVEMENT PROJECT – CHANGE ORDER #2

Motion to approve and authorize the mayor to sign the second Change Order for the Wastewater Treatment Plant Improvement Project involving a change in scope for stainless steel pipe and fittings for the aeration pipes from the previously planned ductile iron pipe, which based on the size specifications is a customer order and unavailable at this time, and an increase in contract price of \$76,881.00; therefore increasing the contractual agreement between the Village of Sherman and H&K Services from \$4,192,000.00 to \$4,268,881.00.

CHANGE ORDER NO.: 2

Owner:	Village of Sherman	Owner's Project No.:	C9-6677-02-00
Engineer:	Barton & Loguidice, D.P.C.	Engineer's Project No.:	2056.001.002
Contractor:	H&K Services, Inc.	Contractor's Project No.:	2111
Project:	Wastewater Treatment Plant Improvements Project		
Contract Name:	Contract No. 1A – General Construction		
Date Issued:	October 12, 2022	Effective Date of Change Order:	October 12, 2022

The Contract is modified as follows upon execution of this Change Order:

Description:

This change order changes the aeration piping located inside the blower room and from the blower building to the SBR tanks and aerobic digester from 3" and 4" unlined ductile iron pipe to 3" and 4" schedule 40 (above grade) and schedule 80 (below grade) stainless steel pipe. This change is required due to significant lead times and availability of unlined ductile iron pipe. Since the time of bidding, 3" unlined ductile iron pipe is no longer manufactured in the United States and the Contractor has been provided significant lead times for 4" unlined ductile iron pipe, which would result in project delays. Additionally, the 4" pipe would not be able to be utilized in all locations, as 3" pipe is still required from the blower building to the SBR tanks; therefore, it was decided to change all the aeration piping from ductile iron to stainless steel. Various other alternatives were explored; however, stainless steel was determined to be the best substitute available.

Attachments:

Attachment 1 - Stainless Steel Pipe Change Proposal

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>4,192,000.00</u>	Original Contract Times: Substantial Completion: <u>February 16, 2023</u> Ready for final payment: <u>March 23, 2023</u>
No Change from previously approved Change Order No. 1 \$ <u>0.00</u>	No Change from previously approved Change Order No.1 Substantial Completion: <u>February 16, 2023</u> Ready for final payment: <u>March 23, 2023</u>
Contract Price prior to this Change Order: \$ <u>4,192,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>February 16, 2023</u> Ready for final payment: <u>March 23, 2023</u>
Increase this Change Order: \$ <u>76,881.00</u>	No Change from this Change Order: Substantial Completion: <u>February 16, 2023</u> Ready for final payment: <u>March 23, 2023</u>
Contract Price incorporating this Change Order: \$ <u>4,268,881.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>February 16, 2023</u> Ready for final payment: <u>March 23, 2023</u>

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

Motion to move into Executive Session at 7:05 to discuss a legal issue, 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 adjourn the meeting at 7:35 pm.

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

Respectfully submitted
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Board Mtg Wednesday, November 9th, 2022 at 6pm