REGULAR MEETING
TOWN OF SHERMAN
May 7, 2026

A regular meeting of the town of Sherman Board was held on May 7, 2026 at the Town Office Building, 111A Mill St., Sherman, NY, Chautauqua County, New York at 7:00PM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/Deputy Supervisor
	James Weise	Council Member
	Brant Henning	Council Member
	Ben Nickerson	Council Member
	Annette Swan	Town Clerk

Absent: Michael Courtney, Highway Superintendent. Tom McNinch-Code Enforcement Officer

Guests: Karen Engstrom- Mayville NY, Julie Rockcastle-Sherman NY, Mr. and Mrs. Tim Scoma-Lifted Dispensary, Jamestown NY, Charles Stormer Jr.-Sherman, NY, Amy Allen-Sherman, NY, Marty Proctor -Chautauqua County Legislator.

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

Charles Stormer asked questions of the town board pertaining to the construction and building permit issued for the Chicken Barn building on Manison Road and the one-lane bridge on Barcelona Rd. Not all questions could be answered because the Highway Superintendent and Code Enforcement Officer were absent from the meeting, but information will be collected to answer those questions at the June meeting.

Julie Rockcastle, owner of the Heron Event Center located on Wait Corners Road, introduced to the board Tim Scoma. Mr. Scoma wants to set up a showcase of his licensed cannabis products at the Blue Heron Festival in July. He described to the town board how a showcase would be conducted at the festival and he answered their questions. There is paperwork required by NY State , and he needs this paperwork signed and approved by the Town of Sherman and then the paperwork must be submitted to NY State.

Karen Engstrom spoke to the town board about wind law negative effects. She reviewed laws from neighboring towns and spoke about updated findings. Particularly pertaining to the setback limits. Larger setback limits can reduce the negative health effects that the wind turbines can cause. She requested that the Town of Sherman board re-look at the law to update or amend the setbacks in the current law.

RESOLUTION # 21
APPROVAL OF MINUTES

Councilman Jim Weise made the motion, seconded by Councilman Brant Henning to approve the minutes from the April 2, 2026 board meeting.

Councilman James Higginbotham – AYE	Councilman James Weise – AYE
Supervisor Mark D. Persons--AYE	Councilman Brant Henning – AYE
Councilman Ben Nickerson--AYE	MOTION CARRIED

RESOLUTION# 22
ABSTRACTS/CLAIMS

Councilman Brant Henning made the motion, seconded by Councilman James Higginbotham to approve General Claims #56 through #66 in the amount of $30,899.54 and Highway Claims #44 through #52 in the amount of $9,129.21.

Councilman James Higginbotham – AYE	Councilman James Weise – AYE
Supervisor Mark D. Persons--AYE	Councilman Brant Henning – AYE

Councilman Ben Nickerson--AYE MOTION CARRIED

JUDGE'S REPORT

Judge Denis Cooper submitted a check in the amount of $2681.00 for March fines. Albany received $1957.25 and the Town of Sherman received $723.75.

CLERK/REGISTRAR'S REPORT

Dog Licenses: There were 9 dog license renewals for the month totaling $120.00. The town's share is $102.00 and $18.00 was remitted to New York State Ag and Markets.
Registrar report: $180.00
Hunting Licenses:23 items sold for a total of $3448.00. Print fee $8.00 & Vendor Commission $ 41.19 , Total $49.19. New York State amount $3398.81
Marriage Licenses: $0

Town Clerk Annette Swan spoke to the board about a request from a Sherman resident asking that a statement from this resident given at a previous board meeting be included in the Town Board minutes. This statement was not directly related to any town issues. Clerk Swan referred to the New York Association of Towns Town Clerk Manual, which clearly states what is to be included in town board minutes. These requirements are recording motions, proposals, resolutions, and any other matter voted upon. Reports from town officers and committee members. It clearly states that only the name of the individual appearing formally before the town board needs to be recorded.

Clerk Swan then read a paragraph from the Town Clerk Manual that addresses "Statements for the Record" It reads as follows:
No individual has the statutory authority to demand that a statement be read into the minutes(OMLl-AO-3369). If a person wishes to have a statement included in the minutes, the request should be presented to the town board for its consideration (OML_AO_3799) A majority vote of the town board is required in order for the proposed statement to be included in the minutes (OML-AO-3369). Alternatively, the town board could establish a standing protocol or rule of procedure regarding statements for the record (Town Law63;Op.St.Comp.No.79-220; OML-AO3369). It is helpful to have statements for the record written and submitted to the town clerk for inclusion (Opns. St. Comp. NOS 82-181; 81-301). Moreover, the Committee on Open Government has cautioned that care should be taken establish a policy that is fair to all concerned (OML-AO-2491).

Clerk Swan explained to the town board that because of the ordinances and laws stated in the NYOT Clerk Manual, these types of opinion statements are not appropriate or required to be included in the town board minutes. She then asked the town board their opinion about this matter. The town board unanimously agreed with Clerk Swan and with the laws stated in the NYOT Clerk Manual and that any statements given by guests, opinion or otherwise, that are not directly related to town business will not be included in the meeting minutes. It will only go on record that the individual attended the meeting.

ASSESSOR REPORT

No Report

CODE ENFORCEMENT REPORT

Included in the Supervisor Report.

HIGHWAY SUPERINTENDENT REPORT

Included in Supervisor Report.

SUPERVISOR REPORT

- Town Supervisor Mark Persons reviewed Tim Scoma's presentation on his plans for the Blue Heron Festival with the town board. Supervisor Persons also referred to the Town of Sherman's 2021 Local Law, Law No. 2, which opts out of allowing cannabis retail dispensaries and on-site consumption sites under Cannabis Law Article 4. After

discussion, the board agreed to uphold the current local law and not allow Mr. Scoma to set up a showcase at the festival. Supervisor Persons will also forward Mr. Scoma's application materials to the Town attorney for review and any additional input.

- Highway Superintendent Michael Courtney relayed a message to Town Supervisor Mark Persons about some fence repairs needed at 3385 Armenian Road. There was fence damage due to a town snowplow hitting the fence during snowplowing. A bill was submitted to the town from the landowner in the amount of $350.00. After a short discussion,

RESOLUTION #23

Councilman Brant Henning made the motion, seconded by Councilman Jim Weise, to pay the $350.00 fence repair bill and notify the landowner that the fence does not meet the allowable setback from the road. If the fence is not moved to the proper setback, the Town of Sherman will not be responsible for any damage that may occur during next year's snowplowing season.

Councilman James Higginbotham – AYE Councilman James Weise – AYE
Supervisor Mark D. Persons--AYE Councilman Brant Henning – AYE
Councilman Ben Nickerson--AYE MOTION CARRIED

- Town Supervisor Mark Persons has received confirmation from the town accountant that the AFR for 2025 has been certified.
- New York State Ag and Markets, which regulates dog licenses for NYS townships, has amended Section 109 to their existing law. This amendment requires municipalities to provide optional space on the dog license application for owners to make voluntary contributions in support of a local animal shelter designated by the township. Town Supervisor Mark Persons will have the town attorney draw up a resolution to abide by this new law and that it will be voted on at the June meeting.
- Town of Sherman Assessor, Heather Young-Deyell has chosen May 27 from 4:00PM – 8:00PM as Grievance Day for the Town of Sherman. She is asking the board for approval with a resolution.

RESOLUTION #24

Councilman Jim Weise made the motion, seconded by Councilman Ben Nickerson to set Grievance Day 2026 for the date of May 27, 2026.

Councilman James Higginbotham – AYE Councilman James Weise – AYE
Supervisor Mark D. Persons--AYE Councilman Brant Henning – AYE
Councilman Ben Nickerson--AYE MOTION CARRIED

- Councilman Brant Henning brought up the subject of cemetery monument repairs in the older section of the cemetery. Many of these older monuments are falling over or broken. Councilman Henning said he would be willing to volunteer his time and he could possibly get a couple community members to also volunteer their time and work with the Highway Superintendent/Cemetery Sexton Michael Courtney to start working on some of these repairs. Supervisor Mark Persons stated that there is money in the town budget to cover costs for these repairs.

With nothing further to discuss,
Councilman James Higginbotham made a motion to adjourn.
Meeting adjourned at 8:09 PM.

Respectfully Submitted,

Annette Swan
Sherman Town Clerk