

## **VILLAGE OF SHERMAN**

*Open Forum Discussion of the Public on Cannabis Laws and Option to Opt-Out*

*Held at the Village Office from 5:30-6:00*

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

**Wednesday, October 6th, 2021**

The Village Board of Trustees held an open forum meeting prior to the Regular Board Meeting allowing the public to voice their opinions regarding cannabis retail dispensaries, onsite consumption, and the Opt-Out Law choices. There were ten residents/property owners and one non-resident in attendance, of which eight were in favor and three were opposed. It was decided that the Village Board would conduct a non-binding survey which would be sent out with the October Water & Sewer bills to all stakeholders, regardless of residency. These must be returned to the Village Office by Monday, November 1<sup>st</sup> at Noon. Another Open Forum Discussion is scheduled for the next Board Meeting on November 3<sup>rd</sup>, at 5:30 at the Village Office.

Following the Open Forum Discussion, Mayor Meeder called the meeting to order at 6:35pm and led everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Donna Higginbotham, Kirk Ayers and Dennis Watson, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, Gary Emory, Marty Proctor, and the press were in attendance.

#### **RES 2021-10-06.1: MINUTES**

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held September 8<sup>th</sup>, 2021 and the Special Meeting held September 22<sup>nd</sup>, 2021.

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: 5      Nays: 0      Carried

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

Moved by Trustee Ayers      Seconded by Trustee Watson

Ayes: 5      Nays: 0      Carried

### **MUNICIPAL ZONING BOARD MEETING:**

#### **RES 2021-10-06.2: ANNUAL DUMPSTER SPECIAL USE PERMIT**

Motion to approve the following annual dumpster permit: 107 Church Street – commercial/other with no conditions.

Moved by Trustee Watson      Seconded by Trustee Sanders

Ayes: 5      Nays: 0      Carried

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

Moved by Trustee Higginbotham      Seconded by Trustee Ayers

Ayes: 5      Nays: 0      Carried

### **REGULAR BOARD MEETING:**

The mayor reported how Mr. Gormley is already addressing concerns as the Fair Housing Officer. An issue arose which was unclear as to which department it fell under: water & sewer, fire

department, code enforcement, etc. But this ended up being a Fair Housing concern, and he is working with this resident at the North Haven Apartments.

### **DEPARTMENTAL REPORTS FROM CHIEF OPERATOR**

- **SEWER** – Chief Operator, James Irwin and retired Chief Operator, Paul Fisher, are being presented with the WEFTEC Ingenuity Award for their innovative “Sludge Ski Rig”. Mr. Irwin will be away for two days to attend the ceremony in Chicago where he will give a presentation explaining how the rig works.
  - The WWTP pre-bid meeting is scheduled for November 7<sup>th</sup> and the meeting to open the bids is set for November 25<sup>th</sup> at 2pm.
- **WATER** – First and Edmunds streets are complete. All the service lines have been connected to the main water line, and the black top and hydroseeding will be complete by the end of the week and Northrup will finish reclaiming next week.
  - While connecting the mains to the service line at 147 Kipp Street it required a push (additional 3ft x 3ft hole to accept the pipe) and their rhododendron bush was damaged by the loader. We have photos and will get pricing to replace what plants were damaged. Nina Coyle would like something in writing.
- **STREETS** – The trackless ‘sidewalk plow’ has come in and is ready for the winter season.

### **GRANT APPLICATION UPDATES**

#### **Status of Grant Funding Applications (non-CFA):**

**DEC ZEV (Zero-Emission Vehicles)** - Electric Vehicle Charging Stations – the NYSDEC awarded the Village a rebate of \$217,200. This is a reimbursable grant as explained in the motion.

**RBDG – Rural Business Development Grant**, for signs is still outstanding, still in process, not yet awarded.

### **CAPITAL PROJECT UPDATES**

#### **COMPREHENSIVE PLAN**

- We are submitting final reports and nearing the completion of **NYSDEC Climate Smart Communities Grant**.
- **NYMS-TA (New York Main Street – Technical Assistance) Grant** – Clinton Brown Company Architecture (CBCA) will begin the building surveys in October. They will study 4-5 buildings, both the interior and exterior of the buildings, and have already met with the Steering Committee. CBCA plan to wrap their study up in March so that we can meet the July application deadline to the CFA for the implementation phase which is \$300K-\$400K. Even buildings that are not included in the study phase, can be included in the implementation phase. The implementation grant allows up to \$50,000 per building, plus an additional \$25,000 per residential apartment in grant funding. We may focus the \$300K-\$400K on our Main Street façade this time and reapply for the apartments and internal repairs on the next application, but this will be determined as part of the study. Some of these aspects may be included in our Downtown Analysis Study as we try bringing more business into Sherman. Mayor Meeder restated that this is a reimbursable grant and was happy to report that we got a lot of applicants.

- **CDBG-Community Planning** - RFP is out for the Downtown Market Analysis which is due October 18<sup>th</sup>.

## **SEWER**

- The bids for the wastewater treatment projects (construction, mechanical and electric) are due October 25<sup>th</sup> and will be opened at the meeting in the Village Office at 2pm.

## **WATER**

- Northrup will finish the reclamation, hydroseeding, and the sidewalks, and then they will start on the Water Pump Houses.

## **STORMWATER**

- USDA RD – we are working on the requirements listed in the Letter of Conditions for the \$3.5M commitment by USDA-RD for the long-term debt portion of the Stormwater project. We were not awarded the 2020 GIGP and had to reapply, so our project has not started, delaying our completion of the requirements listed in the letter of conditions. USDA-RD understand this, and we will revisit this in the beginning of 2022 once we know whether we are awarded the 2021 GIGP.
- We have officially closed on Firster Property and are awaiting closure of Nature Center property.

## **COMMITTEE UPDATES**

### **Tree “Beautification” Committee**

- The committee met and decided to focus on Osborne and Franklin Streets, along Route 76. The Ivory Silk Japanese Lilac is salt tolerant, low in height (for electric lines) and accommodates smaller spaces i.e., between the road and sidewalk.
- There are a few Sunset Maple trees on order as well.

### **Planning Board**

- The board met with Stephen LeFevre of Barton & Loguidice on Monday, October 4<sup>th</sup>, to review the status of the Solar SEQRA.
- They received updates, reviewed the current projects and discussed the Cannabis law(s).

### **Steering Committee**

- The committee met Alma Brown of Clinton Brown Company Architecture on Monday, October 4<sup>th</sup>, and reviewed the building applications, prioritizing the selection for the Village Board of Trustees
- At their next meeting they will begin discussions on Zoning Law amendment priorities, particularly Cannabis, and other details such as fences, etc. The cannabis focus not only concerns the Opt-Out law, but general zoning regarding smoking near schools, churches, and in public parks, and proximity to public doors and venues, and other issues related to the legalization of cannabis.

## **MAYORAL ADDRESS**

- Halloween trick or treat hours were discussed.
- Clerk Ramm is working with the Chautauqua County’s Visitor Bureau and local businesses to ensure that the 2022 Chautauqua County Travel Guide features a Sherman page.

- Triple E Manufacturing is growing and looking at extending their current building or moving into bigger premises. They have been in discussion with their neighbors and with Village employees to determine boundary lines and stormwater issues. They are a great business to have in the Village and we are working with them to find the best course of action.
- Trial Town – we are trying to establish a trail between Clymer and Sherman to fill in the gap and complete the trail from Pittsburgh to Erie. In support of this goal, Patrick Johnson just held a bike ride from the trail head in Sherman which ended at the Dutch Village in Clymer on October 2<sup>nd</sup>. The trail from Pittsburgh comes all the way up through Corry and into Clymer, and our desire is to extend the trail to connect to the Sherman trail.

## **PUBLIC PARTICIPATION**

There was no public participation.

## **FINANCIAL REPORT FROM CLERK-TREASURER**

General Checking Account: Balance (09/08/2021) is \$99,130.33 & book balance \$64,058.39  
 NYS Fund Bank Account: Balance (09/08/2021) is \$0  
 Sewer Project Bank Account: Balance (09/08/2021) is \$29,726.00 & book balance (\$510.50)  
 Water Project Bank Account: Balance (09/08/2021) is \$10,545.00 & book balance (\$5,687.21)  
 Stormwater Project Account: Balance (09/08/2021) is \$500,608.80 & book balance \$92,455.10  
 CD Account: Balance (09/08/2021) is \$0  
 CD Transfer: N/A  
 Account Adjustments: N/A

The clerk reminded the trustees that it was time to redo their annual sexual harassment training, as per New York State legislation.

## **RES 2021-10-06.3: VOUCHER #5**

Motion to accept Voucher #5 for \$492,619.75 as presented for September 2021, of which \$0 is from the NYS Special Fund, \$30,236.65 is from the Sewer Project Fund, \$16,252.21 is from the Water Project Fund, \$406,329.95 is from the Stormwater Project Fund and \$1,182.00 is from the Parks Fund.

Moved by Trustee Ayers                      Seconded by Trustee Watson  
 Ayes: 5              Nays: 0              Carried

In accordance with the Letter of Conditions signed with USDA RD (Rural Development), the insurance on scheduled employees of \$200,000 was increased to \$300,000 for the purpose of covering the total cumulative value of all 'potential' USDA RD annual estimated principal payments in the amounts of \$12,000 for Street Equipment, \$152,000 for WWTP, \$116,000 for Stormwater = \$280,000.

## **RES 2021-10-06.4: INSURANCE OF SCHEDULED EMPLOYEES**

Motion to accept the increase in the criminal coverage of scheduled employees to \$300,000 for the mayor and \$300,000 for the clerk-treasurer, effective September 23<sup>rd</sup>, 2021.

Moved by Trustee Higginbotham              Seconded by Trustee Watson  
 Ayes: 5              Nays: 0              Carried

## **OLD BUSINESS:**

No old business was discussed.

## **NEW BUSINESS:**

### **RES 2021-10-06.5: HALLOWEEN TRICK OR TREAT HOURS**

Motion to approve setting the “trick or treat” hours from 5pm until 7pm on Sunday, October 31, 2021.

Moved by Trustee Watson                      Seconded by Trustee Sanders  
Ayes: 3 (DW, RS, KA)              Nays: 1 (DH)      Carried

DEC-ZEV (Zero Emission Vehicles) Charging Stations – \$217,200 is one part of a two-part rebate program with NYSDEC and National Grid. The charging stations will be located at the upper parking lot of 104 Church Street. This is a ‘reimbursable’ grant, where the items must be paid for and then the NYSDEC reimburses the Village of Sherman.

### **RES 2021-10-06.6: NYSDEC GRANT / REBATE FOR EV CHARGING STATIONS**

Motion to accept the awarded rebate of \$217,200 for the application DEC01-ZEVIN-2021-00016 through Round 5 of the Municipal Zero-Emission Vehicle (ZEV) Infrastructure Grant Program.

Moved by Trustee Sanders                      Seconded by Trustee Watson  
Ayes: 5              Nays: 0              Carried

Stanley Hose Contract: 2021 \$23,895.19 + 2% increase of \$477.90 = \$24,373.09. This amount does not include the money we put aside every year for the fire truck, or their expenses to maintain the fire truck which increases our commitment to over \$40,000 per year.

### **RES 2021-10-06.7: STANLEY HOSE/VILLAGE OF SHERMAN 2022 FIRE CONTRACT**

Motion to approve the annual fire contract reflecting a 2% increase over the previous year, totaling \$24,373.09 for the 2022 contract; and authorize the mayor to enter into the 2022 agreement between the Village of Sherman and the Stanley Hose Fire Company.

Moved by Trustee Ayers                      Seconded by Trustee Higginbotham  
Ayes: 5              Nays: 0              Carried

Acceptance of Legal Services Agreement Form 1780-7 with Local Counsel for the Stormwater Improvement Project (Rural Development requirement).

### **RES 2021-10-06.8: LEGAL COUNSEL FOR STORMWATER PROJECT**

Motion to accept the signed legal service agreement dated September 29<sup>th</sup>, 2021 and approve and authorize the mayor to have signed the letter of engagement with Peter Clark and the Village of Sherman for the agreement of legal services for the Stormwater Infrastructure Improvement Project, not to exceed \$10,000. (This is consistent with the \$200/hr rate in the general contractual agreement.)

Moved by Trustee Higginbotham              Seconded by Trustee Ayers  
Ayes: 5              Nays: 0              Carried

### **RES 2021-10-06.9: NYMS-TA BUILDING SELECTION FOR STUDY**

Motion to accept the recommendation of the Steering Committee, acting as the appointed Selection Committee, which reviewed the criteria and applications resulting in the selection of the following buildings to be studied by Clinton Brown Company Architecture under the NYMS-TA grant for the Downtown Main Street Feasibility Study:

- a.) 133 W Main St, David Conrad (Old Hotel)

- b.) 124 W Main St, Duane Woods (Ottaway & Woods Auto Parts)
- c.) 104 W Main St, Donald Wagner (Corner of Franklin and Main)
- d.) 121-123 W Main St, Village (Vacant & Classy Clippers)
- e.) 111 & 113 W Main St, Bone Creek & Graham (Feelin' Saucy and Book Store)\*

*\*if costs exceed the project budget amount of \$23,500 and do not receive additional support of the Village Board, the committee selects 111 W Main St.*

Moved by Trustee Watson                      Seconded by Trustee Ayers

Ayes: 5              Nays: 0              Carried

#### **RES 2021-10-06.10: NYMS-TA BUILDING SELECTION FOR EXPANDED STUDY**

Motion to approve an addendum to the Downtown Main Street Feasibility Study being conducted by Clinton Brown Company Architecture to include properties of:

- a.) 130 W Main St, Village (Old Ford Garage)
- b.) 106 E Main St, Bone Creek (Old Main Street Diner)

Moved by Trustee Ayers                      Seconded by Trustee Sanders

Ayes: 5              Nays: 0              Carried

#### **Motion to adjourn the meeting at 8:48pm.**

Moved by Trustee Ayers                      Seconded by Trustee Higginbotham

Ayes: 5              Nays: 0              Carried

Respectfully submitted,  
Jeanette Ramm  
Village Clerk-Treasurer

**Next Meeting:              Regular Board Meeting November 3<sup>rd</sup>, 2021, at 5:30pm to include the Open Forum Discussion of the Public on Cannabis Laws and Option to Opt-Out**