

VILLAGE OF SHERMAN
MINUTES OF THE
REGULAR MEETING OF THE BOARD,
& MEETING OF THE MUNICIPAL ZONING BOARD
Wednesday, February 14, 2024, at 6:00pm

Mayor Meeder called the meeting to order at 6:01pm and lead everyone in the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson, Gary Emory, and Danielle Crane; Clerk-Treasurer Jeanette Ramm; and Residents Megan and Ronald Lutgen, Jr. were in attendance.

RES 2024-02-14.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held on January 10, 2024.

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

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

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

Enforcement Officer of Code and Zoning has submitted his 2023 Report to New York State. He issued 38 permits, 2 certificates of occupancy and compliance, and performed 8 fire inspections. He reported that there are currently 4 Vacant, Abandoned, Boarded or Foreclosed properties he is working with in the village.

1. Mobile Food Vendors

- Mr. Gormley has suggested amending the zoning to include a Mobile Food Vendor “Operator’s Permit”, which would also be reported annually to New York State. This will remove the trustees involvement in the process and allow permits to be issued without having to wait for the next Regular Board Meeting.
- It was noted that according to New York State, a Mobile Food Vendor is anything that creates a vapor. Our local law says anyone who prepares food on location is a Mobile Food Vendor. This includes preparing food of any sort, such as cotton candy, sandwiches, etc. On the other hand, any food items prepared elsewhere would not fall under the Mobile Food Vendor license. Selling prepacked food would be the same as selling wrapped candy or t-shirts, and would be considered a Vendor.
- He is waiting for the Zoning Board of Appeals to set a date for the hearing of the Mobile Food Vendor’s appeal which he will attend.

2. Parking and Speed Limits within the Village

- New York State has given their blessing for municipalities to lower the speed limit to 25m/h within their boundary. Previously NYS would not honor lower limits on their roads, as far as enforcement went, but now they will allow a limit of 25m/h. The Municipal Zoning Board should consider this new speed limit.
- You cannot park on any state highway, in our case Main Street, unless the local law allows this or has posted as such. We have ‘no parking’ signs posted, but Mr. Gormley is suggesting we relook at this and consolidate what is allowed, as there are ordinances

from 1966 and other updates that should be consolidated. We have the notices posted but it should be backed up with local law.

3. Clean up after your Dog

- We have had issues along the trail, on private property, and on Main Street under the awning. The issue is how do we catch perpetrators and how do we enforce clean up and administer fees or fines. It's disappointing how disrespectful people can be to other people's property. Right now, we are trying to bring awareness to the problem.

4. Air BnBs

- We are still in the process of researching regulations for Air BnB's in anticipation of future ventures.

5. Signs

- The whole sign law needs to be redone. The current law is unconstitutional, because of today's freedom of speech policies, but that does not negate the other parts of the law. The old template needs to be revised. Currently we are looking at the regulation of signs through the lens of the building code, i.e., what is safe and what isn't safe, and with the awning project, we are responsible for maintaining the awning, which lead to other signage policies.

RES 2024-02-14.2: ANNUAL DUMPSTER SPECIAL USE PERMIT, NO FEE

Motion to approve the following annual dumpster permit, and waive the permit fee for:

- Stanley Hose Company (122 Park Street) – commercial with no conditions

Moved by Trustee Sanders Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

RES 2024-02-14.3: ANNUAL DUMPSTER SPECIAL USE PERMITS

Motion to approve the following annual dumpster permits:

- Sherman Community Church (107 Church Street) – commercial with no conditions
- Cooler Bar & Grille (114 W. Main Street) – commercial with no conditions
- BK Wines & Spirits (107 W. Main Street) – commercial with no conditions
- Westfield Family Physicians (115 E. Main Street) - commercial with no conditions
- The Cornerstone (104 E. Main Street) – commercial with no conditions
- Tylor Griswold (121 Cornish Street) – residential with no conditions
- Dave & Janet Dawley (Columbia St) – residential with no conditions

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board of Trustees.

Moved by Trustee Crane Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- Mr. Weinheimer will begin his classes on "Basic Operations" at the end of the month.

- There are approximately 50 applications for the utility worker position which will begin interviews for next week.
- TPO – Treatment Plant Operators Magazine came and interviewed Jay Irwin and took pictures of the plant for an article in their national trade magazine.
- USDA RD Loan/Grant – the truck including the plow is being built, and RD is preparing to close this loan/grant in the next two months. The village has to take possession of the truck before it can be finalized.

STREETS

- The annual Spring Clean Up is set to begin on the third Monday of April each year. This year it starts Monday, April 15th, 2024. Information is going out with the water and sewer bills this week.
- The stop sign on the corner of Miller and Main Streets needs to be fixed.

CAPITAL PROJECT UPDATES

STORMWATER

- Easements – there are easements still outstanding for 100 Willard Street and SCSD for the section along East Main Street. Sample easements were handed out, and the mayor explained the difference between permanent and temporary easements. The easement on the McCray property is well within our right-of-way, according to New York State, but the temporary easement allows the equipment comfortable access, as a formality just for the duration of the construction. The attorney needs to establish our title, right-of-way, or easements. We are looking at an expansive temporary easement for the construction along the corner of the athletic field, with a permanent easement of 15 feet on each side of the pipes giving us access to fix the pipes in the future.
- The stormwater project may be covered by multiple grantors. Construction will be paid for by CDBG and the engineering will be covered by the Village. There is an outstanding application for the GIGP (Green Innovation Grant Program) which is administered through EFC (Environmental Facilities Corporation). Other opportunities include Climate Smart Communities which is administered through DEC (Department of Conservation), TAP (Transportation Alternative Program) and others. Each agency has their own regulations and timelines. Most require that the village own the land or have a 99-year lease. CDBG, for the school project, only requires an easement for us to upsize the pipes in order to expedite the removal of water as it starts to collect at the school field. All the upper basin projects which could be Climate Smart Communities and GIGP funded, require that we own the property. They won't fund improvements to property we don't own.
- We received the CDBG award in November, are currently in ongoing meetings with NYSDOT and B&L regarding engineering plans and government regulations; and need to be going out to bid (hopefully by Feb 23) to meet the CDBG May deadline.

SEWER

- Skid steer is on order, the gate lock kit has been installed, and the overhead door system will be installed next week.
- BECC will be returning to finetune some issues. We have not closed out the project with both BECC and H&K, as we wait for final issues to be resolved. Allied Mechanical, who did the mechanical portion of the project, is completely finalized.

WATER

- Jay & Doug are investigating the insulation issue at the treatment building.
- Northup has been requested to correct the curb stop installation of stems which are not up to the specifications of the project, inconsistent with the standard Village key/wrench size.

OTHER PROJECT UPDATES

NYMS AWARD – Awning project reimbursement request of \$73,500 was made.

COMPLETE STREETS – Reviewed by B&L for consistency with the Village's Comprehensive Plan, and to remove the proposed circle at the intersection of Franklin and Main Streets. We are now awaiting revisions by GOBike after which the Steering Committee will review and comment on it.

EV Charging Stations – We are still waiting for the NYSDEC rebate. The project is new to them, and they are figuring it out as they go. They have now decided not to allow the purchase of the land to be reimbursed by the project, which means the \$6,000 land purchase will be a direct village expense for the project. The \$215,000 bond payment is due on 03/08/24. Without immediate reimbursement from NYS, we'll need to prepare to renew the \$200,000 bond. The scheduled tentative sale is 2/28/24 for 3/7/2024 deposit.

COMMITTEE & AGENCY UPDATES

Solar Project Status – Mayor Meeder is reviewing the final O&M Agreement. In response to some good questions:

- 1) Both SL Sherman & SL Sherman II are completely built.
- 2) SL Sherman (the first of the two arrays) is ready for "interconnection" to the grid.
- 3) SL Sherman II has further engineering and infrastructure installation on the side of National Grid prior to going online with the grid. There are numerous poles and right-of-way documents... more paperwork than actual infrastructure issues.
- 4) The solar company contracts with a third party as the 'seller' or 'agent' so to speak, which is where the discount incentives come into play for businesses and homeowners.
- 5) We have not negotiated the discounts on electric utility benefits for the Village or residents or businesses yet.
- 6) You can have any electric supplier, just so they are included on the National Grid bill (not billed separately). As was explained to me earlier, the discount is over the whole National Grid Electric Bill - so participants want their supplier billing them through National Grid.
- 7) There are certain regulatory requirements that we have to follow i.e., at least 60% of the discounts must go to residential use.
- 8) There have been some cases of special accommodations like: Buffalo Housing Authority received all the discounts from one array. - Keeping in mind that it benefited low-income residents directly, which is probably why it qualified.
- 9) We are hoping for a mix of a high level of commercial discount for the Village 'municipal electric' utilities that benefits all the customers and taxpayers of the Village which is 'qualified' as a community with over 50% residents of low median household income, AND direct residential discounts.
- 10) Typically, we are told discounts are between 5-10% and we are obviously hoping for 10% on everyone's electric bill.

- 11) Everyone - meaning everyone that signs up for the discount - it is not automatic. Residents and business owners will have to sign up to participate. When the time comes there will be information distributed to everyone.

Edmunds Park Committee – playground installation is scheduled for April. It was noted that the slide is required to face North.

Chamber of Commerce – the next meeting is scheduled for Wednesday, March 13, at 9am, at the Village Office. They won't be meeting on Tuesdays any longer.

MAYOR

- Fire Department Tax Exemption Request

Letter from Dr. David Brown, President of the Stanley Hose Company requesting the Board of Trustees consider adopting a village local law for a 10% property (assessment) tax exemption for volunteer firefighters and volunteer ambulance workers of the Stanley Hose Company.

In light of the volunteer recruiting crisis facing many departments nationwide, NY State on December 9, 2022, adopted Chapter 670 amending NY State Real Property Tax Law providing all local governments with the option to provide a property tax exemption to volunteer firefighters and volunteer ambulance workers as part of the recruitment initiative.

This is a discussion the Village Board has had from its initial adoption by NY State in 2022 and the adoption of Chautauqua County Local Law in 2023. To date, the Village of Sherman has not opted for *any* property tax exemptions (for veterans, aged, or disability). Over a limited population within a small community the redistribution of taxes could result in likely irrevocable consequences.

- Meeting with the Auditor is set for 2/15/24 to wrap up the Single Audit from 5/31/2023, in compliance with federal requirements of having exceeded \$750,000 in federal funds expended.
- Clerk-Treasurer is scheduled to close on equipment financing with Community Bank on 2/15
- Drafting contracts regarding existing relationships to include Certificate of Insurance requirement (COI):
 - Editing existing Stanley Hose Company contract
 - Sherman Area Chamber of Commerce
 - Sherman Day Committee / Sherman Rebuilding Committee
 - Sherman Historical Society
 - Sherman Central School District

CLERK-TREASURER: New York State Local Retirement System (NYSLRS)

Record of Activities (ROA) – everyone in the retirement system is required to report their hours worked, and all our employees keep their actual time except the elected officials. A ROA is an actual three-month log, used to determine a monthly average for the purpose of monthly reporting. The ROA is valid for 8 years, so at this time only Trustee Crane's ROA needs to be recorded at the next meeting. Mayor Meeder and Trustee Watson will need to redo theirs in 2029.

PUBLIC PARTICIPATION: Megan and Ronald Lutgen, Jr. inquired about the process of opening a business in the Village of Sherman. If the 'use' is not listed within the Zoning, the application

would go through the Planning Board and ultimately require approval from the Zoning Board of Appeals.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (02/14/2024) is \$17,343.94 & book balance (\$41,875.93)
NYS Fund Bank Account: Balance (02/14/2024) is \$14,130.50 & book balance \$11,745.50
Sewer Project Bank Account: Balance (02/14/2024) is \$78,484.79 & book balance (\$127,092.06)
Water Project Bank Account: Balance (02/14/2024) is \$40,406.00 & book balance (\$2,985.00)
Parks Fund Account: Balance (02/14/2024) is \$78,532.16 & book balance \$29,520.34
Stormwater Fund Account: Balance (02/14/2024) is \$23.19
Climate Smart Account: Balance (02/14/2024) is \$7,780.03
Debt Service Account: \$43.93
Reserve Account: \$13,865.53

RES 2024-02-14.4: VOUCHER #9 2024

Motion to accept Voucher #9 for \$61,590.40 for January 2024, of which \$2,585.00 is from the NYS Special Fund, \$7,648.21 is from the Sewer Project Fund, \$110.00 is from the Water Project Fund, \$2,926.12 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 Crane
Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

RES 2024-02-14.5: PRESERVE NY GRANT APPLICATION FOR YORKER MUSEUM

Motion to approve the Village of Sherman's application to the Preservation League of NYS for a Preserve NY – Technical Assistance Grant to submit a nomination for the Yorker Museum to the National Register of Historic Places; and approve the engagement of Clinton Brown Company Architecture for the purposes of applying for the Preserve NY Grant, (applications due March 29th, 2024); and serving as the appointed firm to prepare the Yorker Museum nomination to the National Register of Historic Places; with the estimated grant award, the Village of Sherman net expense is not to exceed \$6,000; and to approve and authorize the mayor to sign all related documents.

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

RES 2024-02-14.6: STORMWATER ENGINEERING AGREEMENT AMENDMENT #1

Motion to approve the amendment(s) to the Stormwater Engineering Agreement with Barton & Loguidice to include the full scope of the CDBG Main St Stormwater Infrastructure Project and the final design of the upper retention basins, including the Nature Center Retrofit Project; and to approve the budgeted expenditure from the original \$125,000 (RES 2023-06-14.8) in initial surveying and final design to \$250,000 for the full engineering and inspection of the Main St Stormwater Project through post construction, and an additional \$150,000 through final design of the upper basins; for a total contractual increase of \$275,000, bringing the engineering agreement to \$400,000; for the purposes of adding the construction, resident inspection, and all other engineering phases through post construction of the (CDBG) Main St Stormwater Improvement Project, and the design phase of the retention and detention basins and related improvements in Drainage Areas 1 and 3, which includes the Nature Center Retrofit.

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

RES 2024-02-14.7: STORMWATER ADVERTISE TO BID – MAIN ST IMPROVEMENT

Motion to authorize the clerk-treasurer to advertise the Sherman Main Street Stormwater Improvement Project for bid(s), subject to concurrence with CDBG and USDA RD at the discretion of the mayor.

(Tentative Bid Schedule: Advertise FRI FEB 23 – Receive & Open WED MAR 20 at 2pm)

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 5 Nays: 0 Carried

RES 2024-02-14.8: LABOR STANDARDS COMPLIANCE OFFICER, STORMWATER PRJ

Motion to appoint the mayor to the position of the Labor Standards Compliance Officer to coordinate and assure full compliance with all federal and state labor standards and equal opportunity provisions with regards to the Sherman Main Street Stormwater Improvement Project.

Wherefore, on the motion of Trustee Emory, seconded by Trustee Watson, the foregoing Resolution was put to a vote, the result of which vote was as follows:

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

The foregoing resolution was duly adopted.

RES 2024-02-14.9: SCHEDULE SPECIAL BOARD MEETING

Motion to schedule a Special Meeting of the Board of Trustees for Tuesday, April 2, at 6:45am at the Village Office, for the purposes of accepting the results of the Main St. stormwater construction bids and hold a meeting of the Financial Committee on the 2024-2025 Budget.

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

Motion to move into Executive Session at 8:10p.m. to discuss legal and contractual issues, with no action to be taken following the executive session.

Moved by Trustee Crane Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried

Returned to the regular meeting at 8:25pm.

Motion to adjourn the meeting at 8:30pm.

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

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Meeting March 13, 2024, at 6pm.