REGULAR MEETING
AND
YEAR-END MEETING
TOWN OF SHERMAN
December 18, 2025

A combined regular and year-end meeting of the town of Sherman Board was held on December 18, 2025at the Town Office Building, 111A Mill St., Sherman, NY, Chautauqua County, New York at9:30 AM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/Deputy Supervisor
	Howard E. Crump	Council Member
	Ben Nickerson	Council Member
	Brant Henning	Council Member
	Annette Swan	Town Clerk
	Michael Courtney	Highway Superintendent

Guests: Joel Seachrist, Attorney for the Town of Sherman.
James Weise, Sherman resident.
Melissa Gibbons, Jennifer Pacos, Ella Pacos, Tyler Pacos – family members of Councilman Howard Crump.

Supervisor Persons called the meeting to order at 9:30 AM and led the Pledge to the flag.

RESOLUTION #63

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to open the hearing for the Public Hearing on Wind Energy Conversion Systems.

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

Sherman Town Attorney, Joel Seachrist summarized the Wind Energy System Law for the Town Board and went over the key points of the law. He also answered the board's questions and concerns. After this discussion,

RESOLUTION #64

Councilman Howard Crump made the motion, seconded by Ben Nickerson to close the hearing for the Wind Energy Conversion Systems Law.

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

RESOLUTION #65

Councilman Brant Henning made the motion, seconded by Councilman Jim Higginbotham to adopt the Wind Energy Conversion Systems Law.

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

Town of Sherman
Local Law No. 5 for the year 2025

WIND ENERGY CONVERSION SYSTEMS

Be it enacted by the Town Board of the Town of Sherman, County of Chautauqua and State of New York, as follows:

SECTION 1. WIND ENERGY CONVERSION SYSTEMS LAW

Local Law No. 1 of 2008, entitled "WIND ENERGY CONVERSION SYSTEMS", is hereby superseded and replaced in its entirety with the following

Section 100. Purpose.
The Town Board of the Town of Sherman adopts this Wind Energy Conversion Systems Law to regulate the placement of wind energy conversion systems to protect the public safety, health, and welfare; to provide a regulatory structure that promotes the protection of the Town of Sherman residents; to minimize the adverse impact on the Town's character, environment, economy, and unique resources, including, but not limited to, scenic ridge lines, parks and wildlife management areas, and prime farmland.

Section 105. Authority.
This Local Law is adopted under the authority granted by

1. Article IX of the New York State Constitution, §2(c)(6) and (10).

2. New York Statute of Local Governments, § 10 (1) and (7).

3. New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and §10 (1)(a)(6), (11), (12), and (14).

4. New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (19)(Trespass), and (25)(Building lines).

5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(General powers).

Section 110. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

ACCESS ROAD
Any road constructed to provide ingress and egress to the site of a WECS. During construction, these roads are heavily used, but during operation, they are used infrequently for maintenance purposes. Typically, these roads are semi-pervious to reduce stormwater impacts.

ACCESSORY FACILITIES OR EQUIPMENT
Any structure other than a wind turbine related to the use and purpose of deriving, collecting or distributing energy from such wind turbines, located on or associated with a wind energy conversion system, small wind energy conversion system or wind measurement tower.

AMBIENT SOUND
Ambient sound encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent noise events, such as from aircraft flying overhead, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient sound also includes insect and other nearby sounds from birds, animals, or people.

ANSI
American National Standards Institute.

APPLICANT
The person or entity filing an application and seeking license under this law; the owner of a WECS or proposed project; the operator of a WECS or proposed project; or any person acting on behalf if an applicant, WECS project, or proposed WECS. Whenever the term “applicant,” “owner,” or “operator” is used in this law, said term shall include any person acting as an applicant, owner, or operator.

AQUIFER
One or more strata of rock or sediment that is saturated and sufficiently permeable to yield economically significant quantities of water to wells or springs. The map of the extent of the aquifers in the Town is on file in the Town Clerk’s office.

CONSERVATION AREA
Such areas include natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act 33 USC Sec. 1251 et seq.; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; other significant natural features and scenic viewsheds; and existing trails or corridors that connect the tract to neighboring areas.

dBA
A-weighted decibels, abbreviated dBA [or dBa, or dB(a)], is an expression of the relative loudness of sounds in air as perceived by the human ear. With A-weighting, the decibel levels of low frequencies are reduced compared to the middle and high frequencies (A-weighted energy equivalent sound level). Unless specified otherwise, in this law dBA means LAeq (energy equivalent sound level).

DIRECT LINE OF SIGHT
A straight line between the observer and the object/view being observed unobstructed by any WECS infrastructure as referenced within this law.

FAA
The Federal Aviation Administration or successor agency.

INFRASOUND
Low frequency sounds that are not ordinarily hearable by humans. All sounds are energy waves, so humans can be affected by infrasound, despite not being aware of its presence. The World Health Organization has concluded that health effects due to low frequency components in noise are estimated to be more severe than for community noise in general.

NACELLE
The covering or housing that holds the turbine.

NON-PARTICIPATING PROPERTY
A property that is not affiliated with a WECS in any way.

PARTICIPATING PROPERTY
A property that is being leased for construction of a WECS or WECS-related improvements.

PERMIT
A permit issued pursuant to this chapter granting the holder the right to construct, maintain and operate a wind energy conversion system or wind measurement tower.

PFAS (Perfluoroalkyl and Polyfluoroalkyl Substances)
A group of chemicals used to make fluoropolymer coatings and products, which pose an environmental concern as they do not break down in the environment, can move through soils

and contaminate drinking water sources, and bioaccumulate (build up) in fish and wildlife, and therefore may be hazardous to human health.

PROPERTY LOT LINE
The perimeter lines of a separate parcel of land as appearing on the tax rolls of the Town of Sherman.

PUBLIC ROAD
Any federal, state, county, city, Town or village road which is open to the public, or any private road regularly used by multiple persons for access to separate off-site parcels of land, access to which is unrestricted by the owner(s) of such private road.

PROMINENT DISCRETE TONE
A sound, often perceived as a whine or hum, that can be heard distinctly as a single pitch or a set of pitches.

RESIDENCE
Any dwelling located off site which is suitable for habitation on the date a permit application is received by the Town for a wind energy conversion system, small wind energy conversion system or wind measurement tower. A residence may be part of a single or multifamily dwelling or multipurpose building and shall include buildings such as hotels, motels, and day-care centers.

SETBACK AGREEMENT
Any agreement, contract, easement, covenant or right in land which burdens land for the benefit of an applicant or permittee, such that the burdened land is similar in character to land on which any wind energy conversion system is situated. A setback agreement must expressly release any right which the owner(s) of such burdened land may have in the enforcement of this chapter, and acknowledge the applicable requirements of this chapter. All setback agreements shall run with the land and be publicly recorded in order to inform any potential purchasers of such land of the same or at least for as long as any permit issued under this chapter shall remain in effect. In the event a setback agreement lapses prior to the full decommissioning of a wind energy conversion system, small wind energy conversion system or wind measurement tower, the previously burdened land shall be considered off site and the applicant, permittee or owner of the same shall be required to bring the project into compliance with the requirements of this chapter.

SHADOW FLICKER
The visual effect that results when the blades of an operating wind energy turbine pass between direct and indirect light from the sun and an observer, and cast an observable, moving shadow on a person or property in the vicinity.

SITE

The parcel(s) of land where a wind energy conversion system, small wind energy conversion system or wind measurement tower is to be placed. The site can be publicly or privately owned by an individual or group of individuals controlling single or multiple adjacent parcels. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a utility-scale wind energy conversion system, small wind energy conversion system or wind measurement tower or has entered an agreement for said facility or a setback agreement shall not be considered as "off site."

SMALL-SCALE WIND ENERGY CONVERSION SYSTEM
A wind energy conversion system consisting of a wind turbine, a tower, and/or associated control or conversion electronics and electrical collection and distribution equipment, and accessory facilities or equipment, which has a nameplate capacity of not more than 100 kilowatts.

TOTAL HEIGHT
The highest point above ground level of any improvement related to a utility-scale wind energy conversion system, small wind energy conversion system or wind measurement tower. Total height as applied to wind turbines shall include the highest point of any wind turbine blade above the tower.

UTILITY-SCALE WECS (Wind Energy Conversion System)
Any wind turbine or array of wind turbines designed to deliver electricity to the power grid for sale with a combined production capacity of more than 100 kilowatts of energy, including all related infrastructure, electrical collection and distribution lines and substations, access roads and accessory structures, including accessory facilities or equipment.

WECS (Wind Energy Conversion System)
An electricity-generating facility, whose primary purpose is to supply electricity. This consists of one or more wind turbines and other accessory structures and buildings, including substations, wind measurement or meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and/or facilities.

WIND MEASUREMENT TOWER / METEOROLOGICAL TOWER (MET)
A tower used for the measurement of meteorological data such as temperature, wind speed and direction.

WIND TURBINE
A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop the tower together with associated control or conversion electronics and equipment.

Section 115. References to Planning Board.

Until such time as the Town of Sherman establishes a Planning Board in accordance with Section 271 of the New York State Town Law, any reference in this law to the 'Planning Board' shall be deemed to refer to the Town of Sherman Town Board

Section 120. Applicability.

A. The requirements of this local law shall apply to all WECS permitted, installed, or modified in the Town after the effective date of this local law, excluding general maintenance and repair.

B. All WECS shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards.

Section 125. Utility-scale WECS.
Utility-scale WECS are defined as any wind turbine or array of wind turbines designed to deliver electricity to the power grid for sale with a combined production capacity of more than 100 kilowatts of energy, including all related infrastructure, electrical collection and distribution lines and substations, access roads and accessory structures, including accessory facilities or equipment.

A. Restricted Zones/Districts/Areas

(1) Areas that restrict/ prohibit the construction of Utility-Scale WECS.

(a) No Utility Scale WECS shall be constructed within 2,000 feet of an aquifer. The map of the extent of the aquifers in the Town is incorporated by reference to this law and is on file at the Town Clerk's office. The protection of the Town of Sherman vital drinking water supply is to be preserved and remain unimpacted by Utility Scale WECS activity.

(b) No Utility Scale WECS shall be constructed on lands classified as prime farmland or farmland of statewide importance by the United States Department of Agriculture (USDA) Natural Resources Conservation Service. A map or data identifying prime farmland within the Town of Sherman is incorporated by reference to this law and is on file with the Town Clerk's office. The protection and preservation of the Town's prime agricultural soils and ongoing farming operations are essential to the Town's rural character, economy, and food security.

(c) No Utility Scale WECS shall be constructed within 1,000 feet of French Creek or its tributaries, as identified on maps prepared by the Chautauqua County GIS or the New York State Department of Environmental Conservation. Maps of French Creek and its tributaries within the Town of Sherman are incorporated by reference to this law and are on file with the Town Clerk's office. The purpose of this restriction is to protect the water quality, biodiversity,

and ecological integrity of French Creek, a vital natural resource and one of the most biologically diverse aquatic systems in the region.

B. Utility-Scale WECS application process and required standards.

(1) Wind energy permit and building permit required.

(a) Prior to construction of any utility-scale WECS, the applicant shall first obtain a site plan recommendation from the Sherman Planning Board of the Town of Sherman, a building permit from the Town's Code Enforcement Officer, and, finally, a wind energy permit from the Sherman Town Board.

(b) All applications shall be initially presented to the Town Code Enforcement Officer who shall review the application to ensure it is complete. The Code Enforcement Officer shall then present the application to the Town Board at the next scheduled Board meeting. Upon initial review by the Town Board, the application shall be referred to the Planning Board for a site plan recommendation and overall recommendation(s) on the application. Upon receipt of the site plan approval and recommendation(s) of the Planning Board, the Town Board shall then schedule a public hearing which shall be held within 60 days after receipt of the Planning Board's recommendation(s). At the conclusion of all public hearings on the application, the Town Board shall vote upon issuance of a wind energy permit to the applicant.

(2) Application materials. All applications for a utility-scale WECS wind energy permit shall include the following information ("initial application materials"):

(a) Name and address of applicant.

(b) Evidence that the applicant is the lawful owner of any private property upon which the WECS is proposed to be constructed (the "site") or has written permission from the owner to make such application.

(c) A proposed site plan in sufficient detail to show the following:

[1] Location of the tower(s) on the site including tower height, blade size and height, rotor diameter and ground clearance.

[2] Utility lines (above and below the ground).

[3] Property lot lines and the location and dimensions of all existing structures and uses on the site within 1,500 feet of the WECS.

[4] Surrounding land use and all off-site structures within 1,500 feet of the WECS.

[5] Description of the structural components of the tower construction, including the base and footing as well as all related structures.

[6] Existing topography, including bodies of water.

[7] Proposed plan for grading and removal of natural vegetation.

(d) SEQRA full environmental assessment form.

(e) Such additional information as may be required by the Town for an adequate review of the proposed project.

(f) The Town may, upon request of the applicant, and for good cause demonstrated by the applicant, determine that not all of the above materials are necessary for a particular proposed project.

(3) Subsequent application materials. Upon receipt of the above initial application materials, the Town Planning Board may determine if the proposed project concept may be appropriate based upon the materials submitted. Such screening determination shall not constitute an approval of the project nor bind the Town to eventual approval of the project. In the course of its review and recommendation process, if the Planning Board determines it to be helpful, the Planning Board may provide further direction to the applicant on the methodologies and parameters of further studies to be provided including:

(a) Proposed plan for site restoration after construction, prepared according to the New York State Department of Agriculture and Markets and the New York State Department of Environmental Conservation guidelines.

(b) Plan for ingress and egress to the proposed project site, including a description of the access route from the nearest roadway; road surface materials to be used; width and length of access route; dust-control procedures during construction and transportation, and road maintenance schedule or program.

(c) Detailed construction plans, including, but not limited to, construction schedule; hours of operation; designation of heavy haul routes en route to the project site; lists of materials and equipment and loads to be transported; identification of temporary facilities to be constructed; description of any anticipated improvements to existing roads, bridges, or other infrastructure, and measures to restore damaged roads, bridges, or other infrastructure following construction; and the contact representative in the field with his/her name and phone number. A road use agreement will be required for any Town roads, bridges, or other

infrastructure that may be damaged during construction, based on the construction routing plan.

(d) Erosion Control. The applicant shall adhere to the following:

[1] Erosion control plan required. Before the Town of Sherman shall issue a grading or building permit for the commercial/industrial wind energy system, the applicant shall submit an erosion control plan to the Planning Board for its review and approval. The plan shall minimize the potential adverse impacts on wetlands and Class I and II streams and the banks and vegetation along those streams and wetlands, and to minimize erosion or sedimentation.

[2] SPDES compliance. If the proposed project disturbs over one acre, the applicant must comply with the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-08-01 or latest revision). A copy of the notice of intent (NOI) and stormwater pollution prevention plan (SWPPP), as required by the general permit, must be filed with the Town of Sherman prior to construction. Per the general permit, construction cannot begin until the required time period for NYSDEC review has passed.

(e) Specific information on the type, size, height, rotor material, rated power output, performance, safety and noise characteristics of each utility-scale wind turbine model, tower and electrical transmission equipment.

(f) Photographs and/or detailed drawings of each wind turbine model including the tower and foundation.

(g) Visual assessment, including a detailed or photographic simulation showing the site fully developed with all proposed wind turbines and accessory structures from the nearest public highway and residence.

(h) A noise analysis shall be furnished which shall include the following:

[1] A description and map of the project's noise-producing features, including the range of noise levels expected and the tonal and frequency characteristics expected. The noise report shall include low-frequency, infra sound, pure tone and repetitive/impulsive sound.

[2] A description and map of the noise-sensitive environment, including any sensitive noise receptors which shall include residences, churches, farms, barns and similar structures within 1 mile from each proposed turbine.

[3] A survey and report prepared by a qualified professional that analyzes the preexisting ambient sound levels on the site compared with the ambient sound levels on the site following construction of the WECS.

[4] A description and map showing the potential noise impacts including estimates of noise impacts from both construction and operation and estimates of expected noise levels at sensitive receptor locations.

[5] A description of the project's proposed noise-control features including measures proposed to protect workers and measures proposed to mitigate noise impacts for sensitive receptors.

[6] The manufacturer's noise design and field testing data, both audible (dBA) and low frequency (deep bass vibr ation) for all proposed structures.

(i) An analysis of impacts on local groundwater resources shall be prepared regarding impacts anticipated during construction, reconstruction, modification, or operation, decommissioning and post-decommissioning. A geotechnical report shall be provided which shall include information relative to soils and geologic characteristics based on site sampling and testing evidencing assessment of the soil suitability for the construction of the proposed WECS; a bedrock profile within one (1) mile of each wind turbine; information on the depth of well, average flow rate, and (with the permission by owner) test of water quality for all wells within two (2) miles of each turbine; foundation criteria for all proposed structures; slope stability analysis and grading criteria for ground preparation, cuts and fills, and soil compaction.

(j) Engineering report prepared by a New York licensed professional engineer providing relevant information regarding the following potential risks. The report shall be used to determine the adequacy of setbacks from the property line to mitigate any effects from potential ice throw, tower failure or blade throw issues.

[1] Ice throw calculations: a report that calculates the maximum distance that ice from the turbine blades could be thrown and the potential risk assessment for nearby inhabitants and structures.

[2] Blade throw calculations: a report that calculates the maximum distance that pieces of the turbine blades could be thrown and the potential risk assessment for nearby inhabitants and structures.

[3] Fall zone: a report noting any rail lines, public trails and parks within the project site and fall zones, including existing structures.

[4] Catastrophic tower failure: a report from the turbine manufacturer stating the wind speed and conditions that the turbine is designed to withstand and the potential risk assessment for nearby inhabitants and structures.

[5] Certificate by licensed New York State professional engineer that the tower's design is sufficient to withstand any generally acceptable wind-loading requirements for structures including as established by the New York State Building Code.

(k) Lighting plan. The applicant shall submit a lighting plan that describes all lighting that will be required, including any lighting that may be required by the FAA. Such plan shall include the planned number and location of all lights, light color and whether any such lights will be flashing and mitigation measures planned to control the light so that it does not spill over onto neighboring properties.

(l) Shadow flicker study. The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECS and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problem. Protocol for monitoring operational conditions and potential flicker exposure at the wind turbine locations based on meteorological conditions; details of the shadow detection and prevention technology that will be adopted for real-time meteorological monitoring and operational control of turbines; schedule and protocol for temporary turbine shutdowns during periods that produce flicker to meet required shadow flicker limits; and shielding or blocking measures (such as landscaping plants and window treatments) may also be implemented at receptor locations that exceed the thirty (30)-hour annual limit, with approval by the resident receptor.

(m) Study of potential impacts to birds and bats using methodology approved by the NYSDEC or other agencies acceptable to the Town.

(n) Decommissioning and site restoration plan.

(o) FAA notification: a copy of written notification to the Federal Aviation Administration.

(p) Utility notification: utility and NYISO interconnection data and a copy of a written notification to the utility or NYISO of the proposed interconnection.

(q) Study of electromagnetic interference with microwave or other communications or broadcast sources. An application that includes any wind turbine which is located within two miles of any microwave communications link shall be accompanied by a study which identifies any potential impact on microwave or other communications or broadcast services and shall describe all measures that shall be taken to eliminate or mitigate any problems.

(r) Submittal of an agricultural impact statement to determine the impact to agriculture in the Town and community if the site is located in a County agricultural district or if

the area impacted by the proposed facility contains 50% or more classified as prime farmland or farmland of statewide importance by the US Department of Agriculture (USDA). The applicant must provide written evaluation, data, and mapping to the Planning Board to document whether the project meets this 50% threshold. The Planning Board, on a project-by-project basis, will work with the applicant on finalizing the requirements of this agricultural impact statement but, at a minimum, will include whether the farmland is active (how long it has been farmed or not farmed) and if it is farmed by the property owner or leased. If leased, how the removal of this leased land will affect the farmer who leases this site and other farmlands and other leases that the farmer has in the Town. Include information on the improvements that have been made to the lands (tiling, irrigation, etc.), history of the farm and its products, number of workers, products purchased and used for farming operations, etc. The applicant must also demonstrate conformance with the construction requirements of the New York State Department of Agriculture and Markets.

(s) An Operations and Maintenance plan that highlights service schedules, equipment and procedures needed to perform maintenance, to include road closure impacts, operations control contacts, hazardous waste containment/ mitigation, duties, and obligations to the safe operation and maintenance of the WECS.

(t) Other information: such additional information as may be required by the Town for an adequate assessment of the proposed project.

(u) The Town may determine that all or not all of these application materials are necessary for a particular proposed project.

(4) SEQRA review. Pursuant to the New York State Environmental Quality Review Act, the Town may hire consultants to assist the Town in its review of the potential impacts of a proposed utility-scale WECS project. The Town will require that a sum sufficient to reimburse the Town for these expenses be deposited into an escrow account to be held by the Town upon execution of an escrow agreement providing that the funds will be used for such purpose as negotiated between the Town and the project applicant.

(5) Application fee. Prior to the Town undertaking a review of the initial application materials, the applicant shall deposit with the Town Clerk a sum representing a combined fee for site plan review, building permit application and wind energy permit. The amount of the fee shall be established by resolution of the Town Board from time to time, as set forth in the official schedule of fees of the Town of Sherman. In setting such fee, the Town Board shall consider a reasonable estimation by the Town of the personnel costs, public notice provisions, professional engineering, legal and other expenses that may be incurred by the Town in processing the application. The fee shall be nonrefundable and shall be in addition to any escrow amount under Subsection A(4) above and also in addition to any amounts allowed by 6 NYCRR 617 et seq.

(5) Professional review escrow deposit.

(a) In addition to any application fees, the applicant shall deposit with the Town Clerk funds sufficient to reimburse the Town for all reasonable and necessary costs incurred by the Town for engineering, legal, planning, technical, environmental, and other professional consultant services ("consultant services") required to adequately review the application, including but not limited to site plan review, noise studies, visual assessments, shadow flicker studies, environmental impacts, and compliance with this chapter.

(b) Prior to commencement of review of the initial application materials, the applicant shall execute an escrow agreement in a form approved by the Town Attorney and deposit an initial escrow amount as determined by the Town Board, based upon an estimate of anticipated consultant costs for the proposed project. The initial escrow amount shall be established by resolution of the Town Board and may be adjusted based on the scale and complexity of the proposed utility-scale WECS.

(c) The escrow funds shall be held in a non-interest-bearing account by the Town. The Town may draw upon the escrow to pay consultant invoices as they are submitted and approved by the Town Board. Copies of such invoices shall be provided to the applicant promptly upon receipt.

(d) If at any time the escrow balance falls below an amount deemed sufficient by the Town Board to cover remaining anticipated review costs, the Town shall notify the applicant in writing, and the applicant shall replenish the escrow within fifteen (15) days to the amount specified by the Town Board. Failure to replenish the escrow shall suspend further review of the application until the deposit is made.

(e) Upon completion of the Town's review, approval, denial, or withdrawal of the application, any remaining escrow funds, after payment of all outstanding consultant fees, shall be refunded to the applicant without interest.

(f) This escrow requirement is in addition to any escrow amounts required under Subsection B(4) for SEQRA review or any other provisions of this chapter.

C. Standards of operation. The Town shall use the following criteria to evaluate all utility-scale wind energy conversion systems:

(1) Setbacks. All utility-scale WECS shall comply with the following setback provisions. Unless otherwise stated, setbacks apply to the wind turbine or tower:

(a) From property lines: A minimum of 1,500 feet or 3.25 times the height of the turbine/tower, including the tip of the blade, whichever is greater, excluding adjoining lot lines where both are part of the proposed project.

(b) From buildings or structures on a non-participating property:

i. Residential buildings and structures: A minimum of 1,500 feet or 3.25 times the height of the turbine/tower, including the tip of the blade, whichever is greater. Includes residential buildings and structures for which a building permit has been issued from the Town of Sherman.

ii. Non-residential buildings and structures: A minimum of 1,500 feet or 2 times the height of the turbine/tower, including the tip of the blade, whichever is greater. Includes buildings and structures for which a building permit has been issued from the Town of Sherman. The Town may, in its discretion, exempt buildings which are not meant for regular human or animal occupancy such as tool sheds and storage barns and similar structures.

(c) From buildings or structures on a participating property: A minimum of 1,500 feet or 2 times the height of the turbine/tower, including the tip of the blade, whichever is greater. Includes buildings and structures for which a building permit has been issued from the Town of Sherman. The Town may, in its discretion, exempt buildings which are not meant for regular human or animal occupancy such as tool sheds and storage barns and similar structures.

(d) Public roads: A minimum of 1,500 feet or 2 times the height of the turbine/tower, including the tip of the blade, whichever is greater, as measured from the road right-of-way line.

(e) The Town Board, as part of its review, may, in individual cases, waive or amend any of the setback provisions upon a factual finding that the setbacks are not required for specific turbines or towers in order to achieve the goals of this chapter to protect neighboring property owners from unreasonable interference with the quiet use and enjoyment of neighboring or nearby properties. Such waiver shall include a written finding by the Town Planning Board for the factual basis for providing such a waiver or amendment of any setback.

(2) Noise. All utility-scale WECS applications shall require the applicant to demonstrate that the proposed project complies with the following noise requirements. In order to enable the Town to make this determination, the applicant shall submit the noise assessment required in Subsection B(1)(h).

(a) Noise Impact and Standards.

[1] Audible noise due to wind turbine operations shall not exceed 45 dBA for more than five minutes out of any one-hour time period nor exceed 50 dBA for any time period, at any property line of any lots which are part of the proposed project site.

[a] Applicant will provide a post-construction noise monitoring plan which shall, at a minimum, provide verification from a qualified party that at

the WECS boundaries and at proximate residences, WECS noise does not exceed 45 dBA for more than five (5) consecutive minutes during a representative range of operating and atmospheric conditions. Instrumentation to verify this shall meet ANSI or IEC Type 1 standards, and measurement procedures shall comply with relevant portions of ANSI S12.9, Part 3. Each report will include the SCADA/ Power output data at the time of the testing.

[2] The sound level from the operation of a utility-scale WECS shall not increase by more than three dBA the nighttime or daytime ambient sound level at any sensitive noise receptors (e.g., residences, libraries, schools, places of worship and similar facilities), within 1,500 feet or 3.25 times the height of the proposed turbine, whichever is greater.

[3] Prominent discrete tones due to wind turbine operations shall not exceed 5 dBA for more than five minutes out of any one-hour time period at any property line of any lots which are part of the proposed project site. Prominent discrete tones will be measured in accordance with ANSI/ASA S12.9-2013/Part 3, Annex B.

(b) Low-frequency noise. A utility-scale WECS shall not be operated so that impulsive sound below 200 Hz affects the habitability or use of any sensitive noise receptor.

(c) Infrasound. A utility-scale WECS shall not be operated so that impulsive sound below 20 Hz affects the habitability or use of any sensitive noise receptor.

(d) Noise setbacks. The Town may impose a noise setback that exceeds the other setbacks set for this section if it deems that such greater setbacks are necessary to protect the public health, safety and welfare of the community.

(e) Vibrations. A utility-scale WECS shall not be operated so that human perceptible vibrations inside any existing non-participating residence exceed the limits for residential use recommended in ANSI/ASA Standard S2.71-1983 "Guide to the evaluation of human exposure to vibration in buildings."

(f) Within one year after the commencement of commercial operations, the project proponent shall submit a noise study of operational conditions to ensure that the project is in compliance with the standards of this section. The study shall be based upon receptor points identified during the application review process. In addition to this initial noise study, the Town may require periodic additional noise studies.

(g) Monthly reports of complaints received related to noise and vibrations caused by the operation of the facility for first year of operations, then quarterly thereafter will be submitted to the Town of Sherman. Report must include name and contact information of the person that lodges the complaint, name of the property owner(s), address of the residence where the complaint was originated, the date and time of the day underlying the event complained of, a summary of the complaint, a description of the probable cause, status of the

investigation, summary of findings and whether the facility has been tested and found in compliance with applicable siting permit conditions on noise or minimization measures have been implemented.

(h) The Town of Sherman reserves the right to conduct independent noise/ sound studies in regard to WECS operations and will submit all findings as factual to the WECS Operator and NY State to mitigate against excessive Audible/ Inaudible/ Vibrations within the Town of Sherman caused by WECS operations.

(i) Pre and Post construction audio testing will be conducted at two different timeframes throughout the calendar year. The applicant must conduct testing with full foliage conditions (May-September) and another test will be conducted with bare foliage conditions (December-February). For post construction audio testing, turbines must be fully engaged and under power (No Free wheel/spin testing will be accepted.

(3) Noise and setback easements. In the event that a utility-scale WECS does not meet a setback requirement or exceeds the noise criteria above, the Town Board may grant a waiver of the setback and/or noise criteria [except for the setback requirement of Subsection B(1)(a) in the following circumstances:

(a) Written consent from the affected property owners is presented to the Town stating they are aware of the WECS and the noise and/or setback limitations contained in the law and that they grant consent to allow noise and/or setback provisions which exceed the limits otherwise allowable or required; and

(b) In order to advise all subsequent owners of the burdened property, the consent, in the form required for a written easement agreement, shall be recorded in the Erie County Clerk's office within 30 days after issuance of the wind energy permit describing the benefited and burdened properties. Such easements shall be permanent and shall state that they may not be revoked without the consent of the burdened property owner(s) and the Town, which consent may be granted upon the decommissioning of the benefited WECS in accord with this chapter or the acquisition of the burdened parcel by the owner of the benefited parcel or the WECS.

(4) Interference with television, microwave and radio reception. The applicant shall submit information that the proposed construction of the utility-scale WECS will not cause interference with microwave transmissions, cellular transmissions, residential television interference or radio reception of domestic or foreign signals. The applicant shall include specific measures proposed to prevent interference and a complaint procedure and specific measures proposed to mitigate interference impacts.

(5) Interference with aviation and aviation navigational systems.

(a) The applicant shall provide documentation that the proposed WECS will not cause interference with the operation of any aviation facility.

(b) The applicant shall provide documentation that the proposed WECS complies with all Federal Aviation Administration (FAA) regulations.

(c) Locking mechanisms to limit radar interference required. All utility-scale WECS shall include a locking mechanism designed to prevent the blades from rotating when not producing power in order to limit airport radar interference. This provision does not apply while the WECS is free wheeling during start-up and shutdown. The Town may modify or eliminate the requirement for a locking mechanism if sufficient evidence is presented that no significant airport radar interference will be caused by the proposed utility-scale WECS.

(d) For all portions of the WECS more than 200 feet tall, the applicant shall provide a copy of a FAA determination as a result of filing the FAA Form 7460-1, "Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace."

(e) If any portion of a Utility Scale WECS will be located within five (10) miles of any civilian, privately owned, or military airport runway, or heliport, the applicant shall demonstrate compliance with all local County, State and Federal airport related laws.

(f) The applicant shall establish to the satisfaction to the Sherman Planning Board that the WECS will not adversely impact needed airspace for local medical air transport. Applicant will not impact restricted airspace in relation to air travel routes to and from the Niagara Falls Air Force Base and the Buffalo Coast Guard Station to include any military base within 150 miles of the WECS.

[1] The WECS will not obstruct or interfere with Emergency MEDEVAC routes within 150 miles of the Town of Sherman.

(g) The applicant shall provide a narrative description of all risks to:

[1] Civil air navigation (including civilian radar).

[2] Military air navigation routes, military air traffic control areas, military training routes, military special-use air space, military radar or other potentially affected military operations, and shall further include documentation that addresses any potential adverse impact on military operations and readiness as identified by the DOD Clearinghouse and any remediation action agreed to the by the applicant.

[3] NEXRAD weather radar systems.

(6) Safety and security requirements.

(a) Safety shutdown. Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. A manual electrical and/or overspeed-shutdown-disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.

(b) Grounding. All structures shall be grounded according to applicable electrical codes.

(c) Wiring. All wiring between the wind turbines and the WECS substation shall be placed underground unless the Town determines this would not be prudent or practicable due to site-specific constraints. The application shall include site plan drawings showing the locations of all overhead and underground electric utility lines including substations for the project.

(d) Ground clearance. The blade tip of any wind turbine shall have ground clearance of not less than 50 feet.

(e) Climbability. Wind turbine towers shall not be climbable up to 25 feet above ground level.

(f) Access doors locked. All access doors to wind turbine towers and electrical equipment shall be lockable and shall remain locked at all times when operator personnel are not present.

(g) Signage. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment and WECS entrances. Signage shall include two twenty-four-hour emergency contact numbers to the owner of the wind turbine in accordance with state and federal codes.

(h) All constructed substations incorporated/ constructed to support the Utility Scale WECS must meet the National Electrical Safety Code.

(7) Ice throw. The Town Board shall determine the acceptable ice throw range based upon the activities in the area, location and calculations of ice throw. The Board shall review, but not be bound by, the calculations and information presented by the applicant herein.

(8) Fire hazard protection. The applicant shall submit a fire control and prevention program that is appropriate and adequate for the proposed facility. The proposed program may include the following: fireproof or fire-resistant building materials; buffers or fire-retardant landscaping; availability of water; an automatic fire extinguishing system for all buildings or equipment enclosures containing control panels, switching equipment or transmission

equipment; provision of training and fire-fighting equipment for local fire protection personnel and/or other emergency responders. All Wind Turbines within the proposed WECS must have a regulated and maintained fire suppression system installed on the turbine control head. These systems must be self-sufficient or conditionally operated with the capability of manual human intervention. These fire suppression systems are to be inspected annually and reported to the Town of Sherman board and local fire department. The applicant must also submit a remediation plan, in the event that a fire at the facility requires environmental cleanup.

(9) Impact on wildlife and habitat. Development and operation of a utility-scale WECS shall be evaluated for any significant adverse impact on endangered or threatened wildlife or plant species or their critical habitats based upon criteria established by the federal or state regulatory agencies and as determined by the Town during the SEQRA review.

(10)Visual impacts.

(a) No advertising sign or logo, unrelated to the WECS itself, shall be placed or painted on any part of any utility-scale WECS.

(b) Wind turbines shall be painted an unobtrusive (e.g., white, gray or beige) color that is nonreflective. In order to reduce any daytime lighting requirements by the FAA, the Town Board may require consultation with the FAA to determine appropriate color and/or lighting requirements.

(c) When more than one wind turbine is proposed, the project shall use wind turbines whose appearance is similar throughout the project to provide reasonable uniformity in terms of overall size, geometry and rotational speed.

(d) Unless required by the FAA or by the Town, no lighting shall be installed on the WECS turbine or tower except for ground level security lighting.

(e) The Applicant will provide a site plan relating to the placement of the proposed wind turbines to the Sherman Planning Board to ensure that the Town of Sherman scenic views/vistas are not impacted or obstructed (see list of scenic ridgelines in Section 285-5A(1)(d)).

(11)Shadow flicker. The WECS shall be designed such that the project shall minimize shadow flicker onto adjacent existing residences. No more than 30 hours of annual shadow flicker shall be permitted onto adjacent residences. Mitigation measures, which may include landscaping, shall be incorporated into any site plan and/or wind energy permit approval. The required shadow flicker study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or minimize the problem.

(12)Environmental Monitoring: The Applicant will permit post-construction environmental studies deemed appropriate by the Town Planning Board. These will be funded by the Escrow Account which shall be replenished at all times to maintain an amount determined by the Town. Applicants will be required to conduct and provide reports on the following:

(a) Post-construction field studies will include scientific assessments of regional nesting failures, and territory abandonment of special status species like raptors species, within two (2) miles of the Utility Scale WECS. When these assessments are being done, only researchers involved with these studies will be legally allowed to touch carcasses. During the life of the project every bird or bat carcass, or crippled bird or bat found anywhere within the Utility Scale WECS must be reported to the Town by the Applicant within seven (7) days.

(b) Soil Composition Testing shall be conducted prior to construction at each proposed wind tower foundation. Parameters include testing 200ft from the base of the proposed tower and another testing sample at 500ft from the proposed base. Testing must note any PFAS and Toxins, the type, and amount.

(c) Baseline water sample testing shall be conducted by applicant and results provided to residence owner/ Town of Sherman for all water wells within 3,000 feet of a proposed Turbine. Additionally, water samples must be taken and tested from all creeks, streams, or bodies of water within 3,000 feet of a Turbine. All Samples to be tested for PFAS and Toxins, note type, and quantity. All soil and water testing will be provided to the town board and town code enforcement office within 30 days of results received.

(d) Subsequent Soil and Water testing will be conducted every 3 years post construction by the applicant to evaluate chemical composition and any elevation of PFAS or Toxin levels. All tests that confirm an excess amount of PFAS and Toxins above the national standard post construction will be submitted/ reported to the EPA for evaluation. IF findings are confirmed all WECS operations will cease until further studies are completed and remediation has been conducted and accepted by the Town of Sherman.

(e) Sentinel events within the WECS (fire, oil/ gear fluid leak, tower failure, microblading, blade shed, or any other occurrence that is abnormal to proper WECS operations will require that soil and water testing will be conducted and reported within (15) days of the event). Remediation measures (if needed) of the affected area must be submitted to the Town of Sherman Board within (30) days of the finalized report with a proposed timeline of execution of remediation no longer than (120) days after the occurrence of the event.

D. Decommissioning and site restoration plan and bond.

(1) The applicant shall submit a decommissioning and site restoration plan, including cost estimate, to the Town for its review and approval prior to the approval of any wind energy

permit. The restoration plan shall identify the specific properties it applies to and shall indicate removal of all buildings, structures, wind turbines, hazardous materials, access roads and/or driveways and foundations to 5 feet below finish grade including all above and below ground improvements and equipment, foundations, and structures including but not limited to substations, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and other associated facilities, so that any ground is again tillable and suitable for agricultural use. Road repair costs, if any shall be indicated, and all revegetation necessary to return the subject property to the condition existing prior to the installation of the WECS. The restoration plan shall reflect the site-specific character, including topography, vegetation, drainage and any other unique environmental features. If on agricultural lands, the plan must meet the NYS Department of Agriculture and Markets standards for decommissioning. The plan shall include a detailed estimate of the total cost (by element) of implementing the removal and restoration plan. The decommissioning plan shall include information regarding the anticipated life of the project.

(2) As a condition of permit approval, the Town shall require the project sponsor to execute and file with the Town Clerk a bond or other acceptable form of security in an amount sufficient to ensure the faithful performance of the removal of the WECS and the restoration of the site to original condition in accord with the decommissioning and site restoration plan. Security shall cover the full decommissioning costs without recoverable costs from salvage value; applicant to include anticipated salvage value, but this shall not be factored into the decommissioning costs. Any remaining security available after full removal and restoration of the site, to the satisfaction of the Town, will be returned to the applicant or any subsequent owner.

(3) Proof of said decommissioning and site restoration bond shall be provided to the Town on an annual basis. The bond amount shall be increased each year to account for inflationary costs. The sufficiency of such bond shall be confirmed at least every five years by analysis and report of the cost of removal and site restoration. Such report shall be procured by the sponsor and filed with the Town every five years. If the report demonstrates that the amount of the bond is insufficient, the bond amount shall be increased to the amount necessary to cover such cost within 10 days after the applicant's receipt of such report and the increased bond shall be filed with the Town Clerk.

(4) All bond requirements shall be fully funded before a building permit is issued.

(5) The decommissioning and site restoration bond shall be in effect for the entire duration of the permit.

(6) The applicant and his/her successors or assigns in interest, shall maintain the required bond funds for the duration of the wind energy permit.

(7) The Town should retain the sole right to determine that the site has been fully decommissioned. Any costs borne by the Town in making this determination should be passed

on to the project developer. The project developer should be fully responsible for any removal costs which exceed the decommissioning bond.

E. Construction Related Damage.

(1) Construction of Utility Scale WECS poses risk of damage to local roads, bridges, and other infrastructure due to the large size of construction and transport vehicles and their impact upon roads and traffic safety. Construction and delivery vehicles shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include minimizing traffic impacts from construction and delivery vehicles; minimizing WECS-related traffic during times of school bus activity; minimizing wear and tear upon local roads and minimizing impact upon local traffic and business operations. Permit conditions may be imposed upon WECS to specific or limited routes.

(a) The owner of any permitted WECS shall, to the extent practicable, repair or replace all real or personal property, public or private, damaged during the WECS construction.

(2) The applicant shall be responsible for remediation of damage to local roads, bridges, or other infrastructure caused by WECS-related traffic after completion of the installation of the WECS. To ensure that this remediation occurs, prior to issuance of a building permit, the sponsor shall post a public improvement bond in an amount determined by the Town to be sufficient to repair any damage that may occur to local roads, bridges, and other infrastructure during the construction phase of the project. The Town Attorney shall approve the form of the bond.

(a) The applicant shall reimburse the NY DOT and/or Town (as appropriate) for any and all repairs and reconstruction to roads that are necessary due to the construction or decommissioning of the Utility Scale WECS. A qualified independent third party or other qualified person, agreed to by the NY DOT and/or Town (as appropriate) and the applicant, shall be hired to pre-inspect the roadways to be used during construction and/or decommissioning. This third party shall be hired to evaluate, document, and rate the roads condition prior to construction or decommissioning of the Utility Scale WECS, and again 30 days after the Utility Scale WECS is completed or removed.

(b) Any road damage during construction that is done by the applicant and/or one or more of its subcontractors that is identified by this third party shall be repaired or reconstructed to the satisfaction of NYS DOT, Erie County, and/or Town (as appropriate) at the applicant's expense, prior to the final inspection. In addition, the applicant shall pay for all costs related to this third party pre-inspection work prior to receipt of the final inspection.

(c) The surety for removal of a decommissioned Utility Scale WECS shall not be released until the Planning Board is satisfied that any road damage that is identified by this third party during and after decommissioning that is done by the applicant and/or one or more

of its contractors or subcontractors has been repaired or reconstructed to the satisfaction of the NYS DOT, Erie County, and/or Town at the applicant's expense. In addition, the applicant shall pay for all costs related to work of this third party's inspection prior to receipt of the release of the surety.

(3) In the event that any post-construction maintenance or replacement of WECS components which could affect local roads, bridges, or other infrastructure is necessary, the project sponsor shall notify the Town and a new bond for any potential damage related thereto shall be posted.

F. Certifications. The applicant shall provide the following certifications as part of the application. Said certifications shall certify compliance with good engineering practices and shall be provided prior to issuance of the wind energy permit:

(1) Certification of structural components. The foundation, tower and compatibility of the tower with the rotor and related equipment shall be certified in writing by a structural engineer licensed in New York. This certification shall be provided to the Town Code Enforcement Officer and shall be maintained in a permanent file.

(2) Certification of electrical systems. The electrical system shall be certified by a licensed electrical engineer in New York. The engineer shall certify compliance with good engineering practices and with the appropriate provisions of the electrical code that has been adopted by New York State. This certification shall be provided to the Town Code Enforcement Officer and shall be maintained in a permanent file.

(3) Certification of rotor overspeed control. The rotor overspeed control system shall be certified by a licensed New York mechanical engineer. This certification shall be provided to the Town Code Enforcement Officer and shall be maintained in a permanent file.

(4) Certification of seismic design. The applicant shall provide post-construction certification from a licensed New York engineer that the design and construction of the WECS protects against anticipated seismic hazards. This certification shall be provided to the Town Code Enforcement Officer and shall be maintained in a permanent file.

(5) Post-construction certification. After completion of construction of the WECS, the applicant shall provide a post-construction certification from a New York licensed engineer that the project complies with applicable codes and industry practices and has been complete according to design plans. This certification shall be provided to the Town Code Enforcement Officer and shall be maintained in a permanent file.

G. Liability insurance. Prior to issuance of the building permit, the project sponsor shall provide proof in the form of an insurance certificate or policy issued by an insurance company, that liability insurance has been obtained to cover damage or injury which may result from the failure of the tower, turbine or other components of the WECS. Such insurance policy

shall provide coverage of not less than $5,000,000 and shall name the property owner and the Town of Sherman as an additional named insured. Upon request, the sponsor shall provide updated proofs of coverage to the Town on any WECS constructed on Town property or Town rights-of-way.

H. Transfer of ownership.

(1) If ownership of the WECS facility, or ownership of the underlying land upon which the WECS facility is located, should change hands, the original holder of the wind energy permit, and subsequent owners, shall provide notification to the Town Clerk 90 days' prior to the change of ownership.

(2) The new owner of the WECS facility shall present proof to the Town Clerk prior to taking ownership that the required bonds and insurance policies remain in full force and effect. The new owner shall provide a written statement to the Town Clerk that he/she is aware of the conditions and requirements of the wind energy permit which continue to govern the operation of the facility.

I. Inspections. Unless waived by the Town Board, wind turbines or towers over 150 feet in height shall be inspected by a New York State licensed engineer annually or at any other time upon request by the Town's Code Enforcement Officer that the wind turbine, tower or pole may have sustained structural damage. A copy of the inspection report shall be submitted to the Town's Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne by the permit holder.

J. Permit revocation.

(1) A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. "Operational condition" includes meeting all noise requirements and all other standards and requirements of this chapter and the wind energy permit conditions.

(2) Should a WECS become inoperative or should any part of the WECS be damaged or become unsafe or should a WECS violate a permit condition, the owner/operator shall remedy the situation within 90 days after written notice from the Code Enforcement Officer. Upon request, the Code Enforcement Officer may extend this period for an additional 90 days.

(3) Upon notice from the Code Enforcement Officer that the WECS is not repaired or made operational or otherwise not in compliance with the permit conditions, and the time frame provided in Subsection I(2) above has expired, the Town Board may hold a public hearing at which both the public and operator/owner are provided the opportunity to be heard and present evidence, including a plan to bring the WECS into compliance. Following the close of the public hearing, the Town Board may either order compliance within a reasonable time frame; or revoke the wind energy permit and order the removal of the WECS to commence

within 90 days and the site remediation pursuant to the approved decommissioning and site restoration plan.

K. Decommissioning.

(1) Nonfunctional and/or inoperative utility-scale WECS defined.

(a) If any utility-scale WECS, or turbines remain nonfunctional or inoperative for a continuous period of one year, the permit holder shall remove the WECS at the permit holder's own expense and restore the site, in accordance with the approved decommissioning and site restoration plan. A utility-scale WECS shall be deemed nonfunctional and/or inoperative if it has not generated 20% of its original capacity of commercial power within the preceding 12 months.

(b) The Code Enforcement Officer may request that the applicant periodically submit documentation reporting the power output generated by the WECS.

(2) Use of decommissioning bond.

(a) Any nonfunctional or inoperative utility-scale WECS, or any utility-scale WECS for which the permit has been revoked, shall be removed from the site and the site restored in accordance with the approved decommissioning and site restoration plan within 90 days of the date on which the facility becomes nonfunctional or inoperative, as defined above, or of the revocation of the permit.

(b) If removal of the WECS is required and the applicant, permittee or successors fail to remove the WECS and restore the site in accordance with the approved decommissioning and site restoration plan, the permit holder by accepting the permit authorizes the Town Board to contract for such removal and restoration and to pay for the removal and restoration from the posted decommissioning and site restoration bond.

(c) If the bond is not sufficient, the Town shall charge the permit holder for the costs over and above the amount of the bond.

L. Town Board action. Upon receipt of the Planning Board site plan approval and recommendation(s) upon the application, the Town Board shall hold a public hearing on the application. Upon completion of all public hearings, the Town Board may grant the wind energy permit, deny the wind energy permit or grant the wind energy permit with written stated conditions. Denial of the wind energy permit shall be in written form containing a decision based upon substantial evidence submitted to the Town. Upon issuance of the wind energy permit, the applicant shall obtain a building permit for each structure as required. Prior to issuing a wind energy permit for a utility-scale WECS, the Town Board shall make all of the following findings:

(1) The proposed utility-scale WECS project is consistent with the laws of the Town of Sherman.

(2) The proposed utility-scale WECS project will not unreasonably interfere with the orderly land use and master development plans of the Town of Sherman.

(3) The benefits to the applicant and the public of the proposed utility-scale WECS project will exceed any burdens to the Town and residents therein.

(4) That the proposed utility-scale WECS project will not be detrimental to the public health, safety or welfare of the community.

M. Amendments to approved use permit. Any changes or alterations to the WECS, after approval of the wind energy permit and site plan, other than routine repair or maintenance of the original towers and turbines installed, shall require amendment to the wind energy permit. Such amendment shall only be made in the discretion of the Town Board after a public hearing. The amendment shall be subject to all of the requirements of this section and any additional requirements reasonably related to the changes or alterations.

N. Host community agreement. All wind energy permits allowed under this local law will be conditioned on the approval by the Town Board of a host community agreement to be negotiated between the Town and the applicant.

Section 130. Meteorological towers (MET).

A. The placement, construction, and major modification of all meteorological towers within the boundaries of the Town of Sherman shall be permitted only by special permit granted by the Town Board and in accordance with this section. The process of obtaining a special permit shall be as follows:

(1) Submittal of a special permit application and supplemental materials to the Town.

(2) Recommendation from the Planning Board to the Town Board on the special use permit application.

(3) Review of the special permit application by the Planning Board and subsequent SEQR review with the Town of Sherman Town Board designated as lead agency.

(4) Review of the special permit application, SEQR review, and subsequent action taken by the Town Board.

(5) If a special permit is granted by the Town Board, the Planning Board will take action on the site plan.

(6) Following issuance of a special permit and site plan approval, a building permit must be obtained from the Building Inspector for each MET tower to be constructed.

B. Applications under this section shall be made as follows:

(1) Applicants for a special permit to place, construct, or modify MET towers within the Town of Sherman shall submit 15 copies of each of the following information to the Town:

[a] Name and address of the applicant and design engineer.

[b] Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

[c] A site plan drawn in sufficient detail to show the following:

[1] Locations and dimensions of all MET tower components proposed on the site, including tower height, electrical wires, guy wires, substations, junction boxes, and other necessary components.

[2] Aboveground utility lines on site within 1,500 feet of the base of any MET tower.

[3] Property lot lines and the location and dimensions of all existing structures and uses within 1,500 feet of any proposed MET tower.

[4] Zoning district boundaries and identification of zoning districts within 1,500 feet of the base of any commercial wind energy system.

[5] Locations, dimensions, and ownership of all transportation routes on site and within 500 feet of the base of any MET tower.

[f] Dimensional representation of the various structural components of the MET tower.

[g] Existing topography and natural features of the site.

[h] Proposed plan for grading and removal of vegetation.

[d] Certification by a registered New York State professional engineer that the MET tower's design is sufficient to withstand wind-loading requirements for structures as established by the New York State Uniform Construction Code.

[e] FAA notification. A copy of written notification to the FAA.

[f] Decommissioning plan. The applicant shall file and execute with the Town Clerk a bond or other form of security acceptable to the Town Board and Town Attorney in an amount sufficient to ensure the faithful performance of the removal of all MET towers and associated components.

(2) Special permits issued for MET towers shall be subject to the following conditions:

[a] Setbacks. The applicant shall adhere to the following setbacks:

[1] The placement or construction of MET towers shall adhere to the setbacks established for commercial wind energy systems.

[b Total height (maximum overall height). The total height of any MET tower shall not exceed 450 feet.

[c] Signage.

[1] Signage limited. No advertising sign or logo shall be placed or painted on any MET tower or accessory structures.

[d] Lighting. Exterior lighting on any MET tower shall not be allowed except that which is specifically required by the FAA.

(3) Granting of special permit.

[a] Following review of the special permit application, the Planning Board will make a recommendation to the Town Board. The Town Board may grant the special permit, deny the special permit, or grant the special permit with written stated conditions. All decisions shall state the basis and findings of the Town Board.

[b] Upon issuance of the special permit, the Planning Board will conduct its review of and act on the site plan application.

[c] Following site plan approval by the Planning Board, the applicant shall obtain a building permit from the Building Inspector for each MET tower.

[d] The special permit shall not be assignable or transferable without the approval of the Town Board.

(4) Amendments to special permit. Any changes or alterations post construction to the MET tower shall be done only by amendment to the special permit and subject to all requirements of this section.

(5) Application fees and costs.

(a) Application fee.

[1] The applicant of a MET tower shall submit an application fee to the Town of Sherman in accordance with the Schedule of Fees as may be adopted by the Town Board from time to time.

[2] The applicant shall also pay all costs associated with the SEQR review if an environmental impact statement is to be prepared (in accordance with 6 NYCRR § 617.13). The applicant shall submit a deposit with the application in the amount as determined by resolution by the Town Board.

[3] At the time of the special permit renewal, the applicant of a commercial wind energy system shall submit an application fee to the Town of Sherman in accordance with the Schedule of Fees as may be adopted by the Town Board from time to time.

(6) Proof of insurance.

(a) Prior to the issuance of a building permit, the applicant shall provide the Town Clerk with proof of insurance in a sufficient dollar amount, as determined by the Town Board, to cover potential personal and property damage associated with construction and operation of a MET tower.

(b) Insurance shall be carried for the life of the MET tower, through decommissioning and site restoration.

(7) Unsafe and inoperable MET tower.

(a) Removal and site restoration. Unsafe commercial MET tower systems, inoperable commercial MET tower systems, and commercial MET tower systems for which the permit has expired shall be removed by the owner. All safety hazards created by the installation and operation of the commercial MET tower system shall be eliminated, and the site shall be restored to its preconstruction condition.

(b) Public nuisance. Every unsafe commercial MET tower system and every inoperable commercial MET tower system is hereby declared a public nuisance, subject to abatement by repair, rehabilitation, demolition, or removal. An inoperable commercial MET tower system shall not be considered a public nuisance, provided that the owner can demonstrate that modernization, rebuilding, or repairs are in progress or planned and will be completed within no more than six months. Specs and plans must be provided to the Building Inspector.

(c) "Inoperable," defined. A commercial MET tower system shall be deemed inoperable if it has not generated information within the preceding six months.

(8) Decommissioning and site restoration bond.

(a) The applicant shall submit a decommissioning and site restoration plan, including cost estimate, to the Planning Board for its review and approval prior to the issuance of any special permit. The restoration plan shall identify the specific properties it applies to and shall indicate removal of all buildings, structures, towers, transmission lines and wires, access roads and/or driveways, foundations to four feet below finished grade, road repair costs, if any, and all regrading and revegetation necessary to return the subject property to the condition existing prior to establishment of the commercial MET tower systems project. The restoration shall reflect the site-specific character, including topography, vegetation, drainage, and any unique environmental features. The plan shall include a certified estimate of the total cost (by element) of implementing the decommissioning and site restoration plan. The decommissioning and site restoration plan shall include information regarding the anticipated life of the project.

(b) As a condition of special permit approval, the applicant shall execute and file with the Town Clerk a bond or other form of security acceptable to the Town Board and Town Attorney, in an amount, determined by the Town Board, sufficient to ensure the faithful performance of the removal of all MET tower components and the restoration of the site subsequent to such removal, in accordance with the approved decommissioning and site restoration plan.

(c) The sufficiency of such bond shall be confirmed at least every five years by an analysis and report of the cost of removal and site restoration. The applicant shall pay the cost of such report. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal and site restoration costs, the bond shall be increased to the amount necessary to cover such costs. The report and increased amount of the bond shall be filed with the Town Clerk.

(d) All bond requirements shall be fully funded before a building permit is issued.

(e) The decommissioning and site restoration bond shall be in effect for the entire duration of the special permit.

(f) The applicant and his/her successors or assigns in interest shall maintain the required bond funds for the duration of the special permit.

Section 135. Small-scale systems.

Any WECS which shall have only one turbine and such turbine shall not be taller than 155 feet as measured from the base of the pole at the surface of the ground to the apex of the blade, and or whose maximum combined output, as shown by the manufacturer's rated capacity, shall not exceed 10 kW shall be required to comply with the regulations for small-scale wind energy

conversion systems. A WECS whose capacity is between 10 kW and 100 kWh and/or has a proposed height between 155 feet and 200 feet, may apply for permission to be treated as a small-scale WECS for purposes of this application process for a wind energy permit under this section, provided that such WECS exceeding 155 feet must obtain a height variance and to be approved by the Planning Board.

A. Application process.

(1) Prior to any construction of any small-scale wind energy conversion system, the project proponent shall obtain a site plan approval from the Town of Sherman Planning Board, a building permit from the Town's Code Enforcement Officer, and a wind energy permit from the Sherman Town Board.

(2) All applications shall be initially presented to the Town Board by the Code Enforcement Officer. Upon initial review by the Town Board, the application shall be referred to the Town Planning Board for a site plan approval and overall recommendation(s) on the application. Upon receipt of the site plan approval and recommendation(s) of the Planning Board, the Town Board shall then schedule a public hearing which shall be held within 60 days after receipt of the Planning Board's recommendations. At the conclusion of all public hearings on the application, the Town Board shall vote upon issuance of a wind energy permit to the applicant.

(a) All applications for small-scale WECS wind energy permit shall include the following information:

[1] Name and address of the applicant.

[2] Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such application.

[3] A site plan drawing or diagram drawn in sufficient detail to show the following:

[a] Location of the proposed tower on the site and the tower height, including blades, rotor diameter and ground clearance.

[b] Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the wind energy conversion system.

[c] Dimensional representation of the various structural components of the tower construction, including the base and footing.

[d] Compliance with current version of AWEA standards for small wind energy systems, and utilizing a small wind energy conversion system on the current list of ITAC-certified wind turbines.

[4] Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or the distributor of the system.

[5] Turbine information: specific information on the type, size, height, rotor material, rated power output, performance, safety and noise characteristics of the wind turbine and tower.

[6] Sufficient information demonstrating the system will be used primarily to reduce on-site consumption of electricity from the public electrical grid. Remote net metering shall be allowed if all locations ("host" and "satellite") are geographically within Sherman.

[7] Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected, customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.

[8] Environmental assessment form (short form) pursuant to 6 NYCRR 617.

[9] Such additional information as may be reasonably requested by the Town Board for a complete understanding of the proposed project.

[10]The Town Board may determine that not all of these requirements are necessary for a particular proposed project.

[11]A permit fee, in an amount as established by the Town Board from time to time.

B. Permit issued by the Town Board. Pursuant to the procedures and standards contained in this subsection, the Town Board may issue a wind energy permit to allow a small-scale WECS where the maximum turbine output, as shown by the manufacturer's rated capacity, exceeds 10 kW per hour, but does not exceed 100 kW per hour.

C. Application requirements. An applicant for a small-scale WECS that has an output exceeding 10 kW per hour but less than 100 kW per hour shall apply to the Town Board for a wind energy permit. Application material shall include:

(1) All the information listed in Subsection A above.

(2) An environmental assessment form (short form) pursuant to 6 NYCRR 617.

(3) Any additional information that may be reasonably required by the Town Board for an understanding of the project.

D. Application review. The Code Enforcement Officer shall review the application for compliance with the required conditions and the concerns set forth in this part. When the application is complete, the Code Enforcement Officer shall present the same to the Town Board for initial review. Upon initial review by the Town Board, the application shall be referred to the Town Planning Board for a site plan approval and overall recommendation(s) on the application. Upon receipt of the site plan approval and recommendation(s) of the Planning Board, the Town Board shall then schedule a public hearing which shall be held within 60 days after receipt of the Planning Board's recommendations. At the conclusion of all public hearings on the application, the Town Board shall vote upon issuance of a wind energy permit to the applicant. Standards for small-scale WECS:

(1) Minimum lot size. A small-scale WECS shall be located on a lot that is a minimum of five acres in size.

(2) Only one small-scale WECS shall be allowed per prime lot. The system shall be primarily used to reduce the on-site consumption of electricity. Remote net metering shall be allowed if all locations ("host" and "satellite") are geographically located within Sherman.

(3) Height. The turbine, measured to the apex of the blade, is not taller than 155 feet.

(4) Capacity. The maximum turbine output, as shown by the manufacturer's rated capacity, shall not exceed 100 kW.

(5) Setbacks. All components of the small-scale WECS shall be set back a minimum of 1.5 times the total height of the WECS from:

(a) Any residence in existence at the time the application is made, except for the residence on the owner's lot.

(b) Property lines of the site on which the structure is located.

(c) The right-of-way of public roads.

(6) Visual impact. In order to reduce visual impact, the WECS shall be painted a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible.

(7) Lighting. Exterior lighting on any structure associated with the system shall not be allowed, except lighting that is specifically required by the Federal Aviation Administration (FAA).

(8) Signage. No advertising sign or logo unrelated to the WECS itself, shall be placed or painted on any turbine or tower. The Town Board may allow the placement of the manufacturer's logo on a ground-level structure in an unobtrusive manner.

(9) Safety and security requirements. All small-scale WECS shall adhere to the following safety and security requirements:

(a) Safety shutdown. Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer.

(b) Grounding. All structures which may be charged by lightning shall be grounded according to applicable electrical codes.

(c) Wiring. All wiring associated with the WECS system shall be installed underground within the fall zone. This standard may be modified by the Town Board if the terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts or similar forces.

(d) Ground clearance. The blade tip of any turbine shall, at its lowest point, have ground clearance of not less than 30 feet.

(e) Climbability. Wind turbine towers shall not be climbable up to 15 feet above ground level and/or other appropriate methods of access control shall be provided.

(f) Anchor points for guy wires. Anchor points for any guy wires for a system tower shall be located on the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires to the ground shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground. The minimum setback for the guy wire anchors shall be 10 feet from the property boundary.

(g) Signage. Appropriate warning signage shall be placed on wind turbine towers and electrical equipment. Signage shall also include one twenty-four-hour emergency contact number to the owner of the wind turbine, as well as signage warning of electrical shock or high voltage and harm from revolving machinery.

(10)Compliance with regulatory agencies. The applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction related to the construction of the small-scale WECS. If all such approvals

have not been received at the time that the Town Board considers the application for a permit, receipt of these other agency approvals shall be a condition to be completed prior to the issuance of a building permit.

(11)Noise standard.

(a) Audible noise standard. Wind turbine operations shall not cause the noise level at the boundary of the proposed project site to exceed 45 dB(A) for any time period at the nearest property line. If the ambient noise level in the vicinity of the WECS already exceeds this standard, the operation of the WECS shall not increase the nighttime or daytime ambient sound level at an adjacent residence by more than three dB(A).

(b) Low-frequency noise. A small-scale WECS shall not be operated so that impulsive sound below 20 Hz adversely affects the habitability or use of any dwelling unit, hospital, school, library, nursing home or other sensitive noise receptor.

(12)Interference with television, microwave and radio reception. The WECS shall be operated such that no disruptive electromagnetic interference is caused. If it is demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

(13)Erosion control. Prior to granting a permit for a small-scale WECS, the Town Board shall determine that the erosion and sedimentation control plan is adequate.

E. Town Board action on application. The Town Board shall receive a report from the Code Enforcement Officer on any application for a small-scale WECS permit as well as the site plan and recommendation of the Planning Board as provided in Subsection A above. After consideration of the application and relevant recommendations, the Town Board may grant the wind energy permit, deny the wind energy permit or grant the wind energy permit with written stated conditions. Denial of the wind energy permit shall be by written decision based upon the substantial evidence submitted to the Board. Upon issuance of the wind energy permit, the applicant shall obtain a building permit for the small-scale WECS prior to installation. Prior to issuing a wind energy permit for a small-scale WECS, the Town Board shall make the following findings:

(1) The proposed WECS project will not unreasonably interfere with the orderly land use development plans of the Town of Sherman.

(2) The proposed WECS project will not be detrimental to the public health, safety or welfare of the community.

F. Amendment to approved use permit. Any changes or alterations to the WECS, after approval of the permit, other than routine repair or maintenance of the original towers and turbines installed, shall require amendment to the permit by the Town Board. Such amendment shall be subject to all the procedural requirements and standards of this section.

G. Permit revocation. Failure to abide by and faithfully comply with the standards of this section and with any and all conditions that may be attached to the granting of the wind energy permit shall constitute grounds for the revocation of the permit, after a public hearing. Construction must begin within one year after issuance of permit and be completed within two years after issuance of permit. The applicant may apply once for a six-month extension.

H. Abandonment of use.

(1) All small-scale WECS shall be maintained in good condition and in accordance with all requirements of this section.

(2) Any WECS which is not used for 12 consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the owner's expense. The Town reserves the right to dismantle the structure and to charge back the cost of removal to the property owner. If unpaid, this cost will be added as a charge to the tax levy of the property. The owner shall have three months to remove the abandoned WECS.

(3) Failure to abide by and faithfully comply with the standards of this section and with any and all conditions that may be attached to the granting of the wind energy permit shall constitute grounds for the revocation of the permit, after a public hearing.

I. Assessment. A small-scale WECS shall not be subject to an assessment by the Town of Sherman.

J. WECS for agricultural use.

(1) Applications for WECS permits which are to be used solely for agricultural production (as defined in Agriculture and Markets Law § 301, Subdivision 4) located in a state or county agricultural district shall include the following information:

(a) Name and address of the applicant.

(b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such application.

(c) A drawing or diagram drawn in sufficient detail to show the following:

[1] Location of the proposed tower on the site and the tower height, including blades, rotor diameter and ground clearance.

[2] Property lot lines and the location and dimensions of all existing structures and uses on site within 300 feet of the wind energy conversion system.

[3] Dimensional representation of the various structural components of the tower construction, including the base and footing.

[4] Compliance with current version of AWEA standards for small wind energy systems, and utilizing a small wind energy conversion system on the current list of ITAC-certified wind turbines.

(d) Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or the distributor of the system.

(e) Turbine information: specific information on the type, size, height, rotor material, rated power output, performance, safety and noise characteristics of the wind turbine and tower.

(f) Environmental assessment form (short form) pursuant to 6 NYCRR 617.

(g) Such additional information as may be reasonably requested by the Town Board or Planning Board for a complete understanding of the proposed project.

(h) The Town Board may determine that not all of these requirements are necessary for a particular proposed project.

(i) A permit fee, in an amount as established by the Town Board from time to time.

(j) Only one small-scale WECS shall be allowed per five acres of agricultural land. The system shall be used solely to reduce the on-site consumption of electricity. Remote net metering shall be permitted if all agricultural locations ("host" and "satellite") are geographically located within Sherman.

(2) Upon receipt and review of the above, the Planning Board shall make appropriate recommendation(s) to the Town Board. The Town Board shall then schedule a public hearing which shall be held within 60 days after receipt of the Planning Board's recommendations. At the conclusion of all public hearings on the application, the Town Board shall vote upon issuance of a wind energy permit to the applicant.

Section 140. Payments in lieu of taxes.
Real Property Tax Law § 487. The Town of Sherman reserves the right to require the owner of a utility-scale WECS to enter into a contract for payments in lieu of taxes as a requirement of receiving a wind energy permit. Such payment is and addition to, and not in lieu of, any payment required under a host community agreement.

SECTION 2. SEVERABILITY
If any part or provision of this Local Law shall be declared invalid, void, unconstitutional unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 3. EFFECTIVE DATE
This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #66
APPROVAL OF MINUTES
Councilman Howard Crump made the motion, seconded by Councilman Brant Henning to approve the minutes from the November 2025, town board meeting.

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

RESOLUTION# 67
Supervisor Mark Persons made the motion, seconded by Councilman Brant Henning to make the following transfers to the General and Highway portions of the 2025 budget:

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

1410.2 Town Clerk Equip. transfer $303.74 to 1410.4 Town Clerk Contractual $2534.25
1355.2 Assessor Equip. transfer $1949.15 to 1410.4 $585.10
A3510.1 Dog Control PS transfer 585.10 to 1410.4 0.00

A7510.4 Historical Cont. transfer $154.00 to 1010.4 Town Board Cont.

5010.1 Superintendent PS transfer$188.77 to A5010.4 Superintendent Cont.

A1990.4 Contingent transfer $ 1404.95 to A1220.4 Supervisor Cont.

A3510.4 Dog Control Cont. transfer $264.48 to A1910.1 Unallocated insurance

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A3510.4 Dog Control Cont. transfer $161.41 to A6410.4 Publicity

A3510.4 Dog Control Cont. transfer $636.17 to Cemetery Exp. A8810.4 $85.92
A5132.4 Garage Exp. Transfer $85.92 to Cemetery Exp. A8810.4 $0

A51325 Garage Exp. transfer $144.57 to A9030.8 Medicare/SS

A5132.4 Garage Exp. transfer $ 1894.49 to A1310.4 Bookkeeper Exp.

Highway Transfers

Transferred $5943.70 from DB5110.4 General Repairs Cont. to DB5110.1 General Repairs PS

Transferred $1319.87 from DA5140.4 Brush/Weeds Exp. to DA5140.1 Brush/Weeds PS

Transferred $11,000 from DA5142.4 Snow Removal Exp. to DA5142.1 Snow Removal PS

RESOLUTION# 68
ABSTRACTS/CLAIMS
Councilman Brant Henning made the motion, seconded by Councilman Howard Crump to approve General Claims # 166 through #186 in the amount of $5900.42 and Highway Claims #108 through #121 in the amount of $19,815.79

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

JUDGE'S REPORT
Judge Denis Cooper submitted a check in the amount of $1834.00 for October Fines.

CLERK/REGISTRAR'S REPORT
There were 21 dog license renewals for the month totaling $195.00. The town's share is $156.00 and $39.00 was remitted to New York State Ag and Markets.
There were no marriage licenses.
Registrar report: 10 death certificate copies were requested for a total of $100.00.

ASSESSOR REPORT
The following report was submitted by Sherman Town Assessor, Heather Young-Deyell:

- There were 7 deeds recorded in the month of October.

- Revaluation update: Manual modeling for the revaluation is currently taking place and will be complete at the end of December. Market documents will be created and valuation of each parcel will be determined from January through March. Assessment change notices will be mailed to ALL property owners in early March. The informal hearing process will take place from end of March through April.
- During a recent meeting between town supervisors/mayors and County Executive PJ Wendel there was a discussion regarding gas wells. The valuation of gas wells has been the responsibility of the Assessor since the early 90's. Gas well companies are mandated to report their previous year's production to the Assessor before May 1 (tentative roll date.) A gas/oil production multiplier is published each year by ORPTS that utilizes the economic profiles reflecting average income, expense and operating data and the discounted net cash flow approach. For instance, the multipliers for the past 4 years have been $2.96, $3.06, $2.22 and $2.01 per MCF (1000 cubic feet.) Each wells assessment is calculated using its production, multiplier and equalization rate to arrive at the assessment. Executive Wendel's concerns stem from the fact there are MANY wells throughout the county that have assessments that are not being updated from year to year. Some of the wells were owned by companies that have closed and well parcels were not deleted. If an assessor does not analyze the entire group of wells AND the production reports EACH year, there will likely be wells that are not being updated. This means that there are taxes extended and never collected. The county guarantees the warrant for our taxes and if not made whole, the county is left holding the unpaid balances and, in this case, will never be recouped. The Towns of Mina, Sherman and French Creek do not have these unpaid amounts being held at the county because all of the gas wells on the assessment roll are compared to production reports from the respective companies and if there are wells unaccounted for I find out why and resolve the issue either by changing the well owner company, deleting a capped/plugged well or addressing the lack of reporting with the well company. There are around 220 well assessments that are calculated each year within the Towns of Mina, Sherman and French Creek. A copy of the current assessment database was sent to the Chautauqua County Real Property Tax Department on November 19th to begin processing 2026 town/county tax bills.

Thank you for all your continued support.

CODE ENFORCEMENT REPORT

- Code Enforcement Officer, Tom McNinch has been checking in with the progress of the chicken/egg barn on Manison Road. He said that the project is moving along. The cement has been poured, the walls are up and trusses are ¼ of the way set.
- Following up with the condemned barn on Bement Rd., CEO McNinch contacted a nearby resident on Bement Road, who confirmed that there has been no observed activity in or around the barn.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Michael Courtney reported the following to the town board:

- The 2016 plow truck is again in the shop receiving a fan drive replacement.
- Highway Superintendent Courtney has appointed James Parnell, Jr. as the Deputy Highway Superintendent starting January 1, 2026.

SUPERVISOR REPORT

- The Chautauqua County DPF informed the town office via telephone that two recent checks mailed by the Town of Sherman for diesel fuel usage payments in October and November have been reported lost. They advised that stop payments be placed on these two checks and assured the town that the county would reimburse the full cost of the stop payment, which amounts to $72.00. New checks were issued to replace the ones that were lost.
- Bedrock Renewables tentatively plans to attend the Town of Sherman board meeting in February to discuss their 2026 plans.
- Supervisor Persons attended a town supervisor Zoom meeting with County Executive PJ Wendall, who discussed the Government Reduction Initiative. Grant funding is available for towns interested in studies on efficiency, such as merging or sharing services.
- Town of Mina Supervisor Rebecca Brumagin, along with Town of Ripley Supervisor, Laura Pless have both expressed interest in applying for grant money available to build a dog shelter that would be shared by multiple townships. Many factors will need to be considered, and more discussions will need to take place before any decisions can be made.
- Supervisor Persons initiated a discussion regarding the Town of Sherman's current policy on accumulated sick days. He recommended to the board that the maximum number of accumulated sick days be reduced from 50 to 25. This adjustment would help ensure that sick days are paid out at the employee's current rate, thereby avoiding potential increased costs to the township associated with rolling over sick days and subsequently paying them at higher wage rates. After a short discussion:

RESOLUTION #69

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to lower the maximum accumulated sick days from 50 days to 25 days.

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

Because of extra costs this year due to equipment repairs, Supervisor Mark Persons asked the board to amend items in the 2025 Highway Budget. After a review of these items,

RESOLUTION #70

Councilman Ben Nickerson made the motion, seconded by Councilman Brant Henning to amend the following 2025 Highway Budget items: DA5130.4 in the amount of $36,652.97 and DA5142.1 in the amount of $11,666.42 for a total of $48,319.00.

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

Supervisor Mark Persons had earlier spoken with Highway Superintendent Michael Courtney about using his personal phone for work-related activities. Superintendent Courtney expressed that he preferred not to carry a second phone for work and was agreeable to using his personal phone as long as he received compensation from the town for its use. After a brief discussion:

RESOLUTION # 71

Councilman Brant Henning made the motion, seconded by Councilman Howard Crump to give Highway Superintendent Michael Courtney a $25.00/month phone allowance to be paid twice a year in June and December.

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

Insurance bids from three companies were reviewed and discussed for the Town of Sherman's insurance needs for the upcoming year. After reviewing all bids:

RESOLUTION # 72

Councilman James Higginbotham made the motion, seconded by Councilman Brant Henning to accept the insurance proposal from Great Lakes Insurance in the amount of $24,605.00

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

RESOLUTION # 73

Councilman Brant Henning made the motion, seconded by Councilman Ben Nickerson to increase the hourly wage by $1.00 for each Town of Sherman highway employee for 2026. (Andrew Miller, James Parnell Jr., Mike Zemcik)

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

RESOLUTION#74

Town Supervisor Mark Persons made the motion, seconded by Councilman James Higginbotham to increase the Health Insurance buyout amount from $3000 per year to $4000 per year. This is for eligible employees who do not want health insurance from the Town of Sherman.

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

RESOLUTION#75

Councilman James Higginbotham made the motion, seconded by Councilman Brant Henning to raise the Health Insurance Cap for a single from $7000/year to $7400/year.

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

- Supervisor Mark Persons formally presented a plaque on behalf of the Town Board and himself to Councilman Howard Crump in recognition of his forty years of service as a member of the Sherman Board. This gesture expressed the Town of Sherman's gratitude for his commitment and dedication. The meeting marked his final participation on the board, as he did not seek re-election last November. Some of Councilman Crump's family were in attendance to see him receive his plaque.

With nothing further to discuss,
Councilman James Higginbotham made a motion to adjourn.
Meeting adjourned at 10:42 AM.
Respectfully Submitted,

Annette Swan
Sherman Town Clerk