

REGULAR MEETING
TOWN OF SHERMAN
October 16, 2025

A regular meeting of the town of Sherman Board was held on October 16, 2025 at the Town Office Building, 111A Mill St., Sherman, NY, Chautauqua County, New York at 7:00PM.

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

Absent: Council Member, Brant Henning.

Guests: Karen Engstrom, Mayville, NY.

Stacy Olson, Panama, NY.

Margaret Sears, Sherman, NY.

Danielle Crane, Sherman Day Committee.

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

Danielle Crane spoke to the town board about the plans for the upcoming Sherman Day celebration in 2026. Because 2026 is the United States 250th (Semi-quicentennial) anniversary of the signing of the Declaration of Independence, the Sherman Day committee would like to have a fireworks display. Ms. Crane asked the town board if they would consider donating money to the fireworks display fund. The board members said they would consider a donation and would discuss it when working on the 2026 budget.

Resolution #49

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson, to open the public hearings for Local Law No. 3, A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C and Local Law No. 4, A Local Law Enacting a Moratorium on Battery Energy Storage Systems.

Councilman James Higginbotham – AYE
Supervisor Mark D. Persons – AYE

Councilman Howard Crump – AYE
Councilman Ben Nickerson – AYE

MOTION CARRIED

Karen Engstrom spoke to the board about the battery energy storage systems. She included a handout with information about these systems. This handout included the safety hazards, and

operational and economic issues, as well as recommendations for specific wording in the laws to protect the townships and its people.

Resolution #50

Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to close the hearings for Local Law No. 3, A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C and Local Law No. 4, A Local Law Enacting a Moratorium on Battery Energy Storage Systems.

Councilman James Higginbotham – AYE

Councilman Howard Crump – AYE

Supervisor Mark D. Persons--AYE

Councilman Ben Nickerson – AYE

MOTION CARRIED

Resolution # 51

APPROVAL OF MINUTES

Councilman Howard Crump made the motion, seconded by Councilman Brant Henning to approve the minutes from the September 4th board meeting.

Councilman James Higginbotham – AYE

Councilman Howard Crump – AYE

Supervisor Mark D. Persons--AYE

Councilman Ben Nickerson – AYE

MOTION CARRIED

RESOLUTION# 52

ABSTRACTS/CLAIMS

Councilman James Higginbotham made the motion, seconded by Councilman Brant Henning to approve General Claims #133 through #149 in the amount of \$3174.01and Highway Claims #92 through #99 in the amount of \$195,637.93.

Councilman James Higginbotham – AYE

Councilman Howard Crump – AYE

Supervisor Mark D. Persons--AYE

Councilman Ben Nickerson – AYE

MOTION CARRIED

JUDGE'S REPORT

Total amount of Fines collected for the month of August was \$1351.00. The town's share is \$681.50.

CLERK/REGISTRAR'S REPORT*

- September Marriage License Report: There were 3 marriage licenses sold, town share is \$52.50, State share is \$67.50.
- 2 One Day Officiant Licenses sold for a total of \$50. The town keeps total amount.
- 16 dog license renewals, town share \$124.00, NYS share \$31.00.
- Hunting License sales totaled \$11,053.00. Number of licenses sold was 1790.The towns commission is \$597.35, print fee collected was \$164.00 for a total of \$761.35.

Comparing the total sales from September 2024, the total sales were \$11,503.00 with

1815 licenses sold. Total commissions for September 2024 were \$603.14. During last year, the paper printing fee was not collected.

- Town Clerk Annette Swan was contacted by a gentleman who owns a cemetery plot in the Sherman Cemetery, next to Route 430. He was asking if the town would allow him to be buried in a wooden casket with no vault enclosure. Clerk Swan consulted with a local funeral director about this matter. Although there is no NYS law stating that a burial vault is required, the funeral director pointed out that it does prevent the ground from collapsing as the body and wooden casket naturally decay. The board took a few minutes to discuss the request,

Resolution#53

Supervisor Mark Persons made the motion, seconded by James Higginbotham to require that all casket burials at the Sherman Cemetery must have a vault enclosure and the vault must be closed on all sides.

Councilman James Higginbotham – AYE

Councilman Howard Crump – AYE

Supervisor Mark D. Persons--AYE

Councilman Ben Nickerson – AYE

MOTION CARRIED

ASSESSOR REPORT

- There were no deeds recorded in the month of August.
- Work is continuing on the land table for the upcoming assessment roll. All valid sales of vacant land are used to create the land schedule for all parcels in the town.
- Assessor Young-Deyell will be attending the NYS Assessor Conference on Assessment Administration in Lake George from October 5th-9th. This event offers several informative courses that are not available at the local level and also enables communication and information sharing from other Assessors across the state.
- School tax bill address changes and updates continue to be processed. There have also been many calls about the STAR credit and the delay in issuing the checks for the property owners on the credit vs. the exemption.
- She thanks the town board for their continued support.

CODE ENFORCEMENT REPORT

This report is included in the Supervisors Report.

HIGHWAY SUPERINTENDENT REPORT

No Report

SUPERVISOR REPORT

- Supervisor Mark Persons presented the Sherman Town Board with the following 2026 Tentative Budget :

2026 Tentative Budget

General	\$271,265.00
General Outside Village	\$ 14,185.00
Highway Townwide	\$353,900.00
Highway Outside Village	\$388,100.00
Fire District	\$ 46,511.00
Minerva Library	<u>\$ 55,000.00</u>
Total Tentative 2026 Budget	\$1,128,961.00

Resolution #54

Councilman James Higginbotham made a motion, seconded by Councilman Ben Nickerson to pass the Tentative Budget for 2026

Councilman James Higginbotham – AYE
Supervisor Mark D. Persons--AYE

Councilman Howard Crump – AYE
Councilman Ben Nickerson – AYE

MOTION CARRIED

Discussion/questions were held on the Tentative Budget.

Resolution #55

Councilman Ben Nickerson made the motion, seconded by Councilman James Higginbotham to adopt the Tentative Budget as the Preliminary Budget and set the Public Hearing on the Preliminary Budget for November 6th, 2025, at 7:00 PM at the Town of Sherman Office Building.

Councilman James Higginbotham – AYE
Supervisor Mark D. Persons--AYE

Councilman Howard Crump – AYE
Councilman Ben Nickerson – AYE

MOTION CARRIED

2026 Preliminary Budget

General	\$271,265.00
General Outside Village	\$ 14,185.00
Highway Townwide	\$353,900.00
Highway Outside Village	\$388,100.00
Fire District	\$ 46,511.00
Minerva Library	\$ 55,000.00
Total Preliminary 2026 Budget	\$1,128,961.00

- Progression on the chicken barn project on Manison Rd. is moving along. CEO Tom McNinch has done an inspection on the footer for the building, with no issues to report.

- The issue on Manison Road is still being monitored. At last inspection, the person who was living in the garage pole building was in the process of moving out and he is keeping his dogs tied up when they are outside.
- The ongoing issue on Bement Rd. with people living in the barn has been brought to the attention of the Chautauqua County Health Department who will be inspecting the property very soon.

Resolution #56

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson to adopt Local Law No. 3 -2025 and Local Law No. 4-2025.

Councilman James Higginbotham – AYE
Supervisor Mark D. Persons--AYE

Councilman Howard Crump – AYE
Councilman Ben Nickerson – AYE

**TOWN OF SHERMAN
LOCAL LAW NO. 3 FOR THE YEAR 2025**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW SECTION 3-C**

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

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sherman, County of Chautauqua, pursuant to General Municipal Law § 3-c, and to allow the Town of Sherman, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2026 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Sherman, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF SHERMAN
LOCAL LAW NO. 4 FOR THE YEAR 2025
A LOCAL LAW ENACTING A MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS**

Section 1. Enactment and Title.

The Town Board of the Town of Sherman, New York, does hereby enact the Town of Sherman Moratorium on Battery Energy Storage Systems Law. This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Battery Energy Storage System within the Town of Sherman for one year. As the Town of Sherman does not have a zoning law, the Town Board recognizes the need to evaluate and establish regulations for Battery Energy Storage Systems to address their potential impacts. The Town Board believes that the development of such regulations is necessary to ensure the safe and appropriate siting of these systems.

The terms in the foregoing sentence, and as used throughout this local law, shall have the following meanings ascribed to them:

Commercial Battery Energy Storage System - One or more devices, assembled together, capable of storing energy produced by a commercial wind or solar energy conversion system, in order to supply electrical energy at a future time, having an aggregate energy capacity greater than 600kWH or comprised of more than one storage battery technology in a room or enclosed area.

Section 2. Authorization, Purpose, and Intent.

Pursuant to the authority and provisions of the New York State Constitution, Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Sherman to regulate and control land use and to protect the health, safety, and welfare of its residents, the Town Board (the "Board") of the Town of Sherman hereby declares a moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or

permits for the construction of Battery Energy Storage Systems within the Town of Sherman, lasting through October 31, 2026.

This moratorium will allow time for Town officials to develop, clarify, and adopt regulations for Battery Energy Storage Systems, particularly with regard to their safe siting and operation within the Town.

Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety, and welfare of the Town and its citizens.

Section 3. Scope of Controls.

During the effective period of this Local Law:

A. Neither the Town Board nor any Town Staff shall conduct any review or consider or grant any permit or other approval that will result in the approval, establishment, or construction of any Battery Energy Storage System within the Town.

B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law, and any other applicable law, rule, or regulation that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern, and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised, or Renewal Applications.

No new, revised, or renewal applications shall be accepted for filing, review, or consideration, and no site plans, authorizations, special permits, permits, building permits, waivers, or other approvals that purport to allow or advance the development, siting, or construction of any Battery Energy Storage System shall be undertaken, reviewed, considered, or issued by any board, officer, employee, or agent of the Town. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect until October 31, 2026, starting from the effective date of this Local Law. This moratorium may be extended, rescinded, or removed by local law. During the period of this moratorium, the Town shall endeavor to adopt regulations with regard to the siting, establishment, and construction of Battery Energy Storage Systems.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Sherman, New York. Any dispute as to whether a property is encompassed within the

geographic area detailed above shall be resolved by reference to the official tax maps of Chautauqua County and the official New York corporate boundary maps for the Town of Sherman.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately.

With nothing further to discuss,
Councilman James Higginbotham made a motion to adjourn.
Meeting adjourned at 8:14 PM.

Respectfully Submitted,

Annette Swan
Sherman Town Clerk