

VILLAGE OF SHERMAN
MINUTES OF THE SPECIAL BOARD MEETING
Thursday, June 5, 2025, at 5:30am

Mayor Meeder called the meeting to order at 5:33am and lead everyone in the Pledge of Allegiance. Board members Mayor Colleen Meeder, Trustees Dennis Watson and Trustee Gary Emory were in attendance. Deputy Mayor Ryan Sanders and Trustee Danielle Crane sent their apologies.

Comprehensive Stormwater Improvement Project

With every project undertaken, there are a number of regulatory agencies involved, along with funding agencies, and a process for approvals under General Municipal Law. The combination of these requirements for permits, authorization to proceed, and adopted resolutions is no small feat. A project evolves when site challenges and opportunities are present, coupled with budget availability.

In this case there are two main components “Main St” and the “Upper Basins” Stormwater Improvements.

“Main St”

The “Main St” project consists of Main St, Franklin St, Church St, Miller St, and the Athletic Field off of E Main St. Legend Excavating was awarded the bid and has been an understanding and patient partner through this whole process.

The “Main St” project is funded by \$1.25M in Community Development Block Grant (CDBG) Funds, which has a very defined set of requirements being funded by the Federal Government–US Department of Housing & Urban Development, and administered by New York State’s Department of Homes and Community Renewal (NYS HCR). One requirement is that the funds must be expended – the project completed – by December 8, 2025.

“Main St” challenges and opportunities:

It was only in recent years the Village discovered it’s responsibility, that was previously believed to be the State’s, in the maintenance of the stormwater infrastructure in and along the right-of-way of the State Routes 430 and 76. Though initially installed by NY State, at the completion of their project 50 years ago it became the local municipality’s (Village of Sherman) responsibility to maintain as part of the Village’s greater stormwater collection system. Unless NY State has reason to completely restructure the road, there will not, nor will ever be any NY State funding provisions to remediate any of the aging and collapsing stormwater infrastructure. Until April 26, 2022, when the Village was made aware of NYS Highway Law Section 46, <https://codes.findlaw.com/ny/highway-law/hay-sect-46.html>, that defines the jurisdictional maintenance responsibility, the Village was unaware of this enormous responsibility in the wake of leaks and impending road collapse at the intersections of Klondyke Rd and Church St. The road condition safety and the prevention of flooding are of the utmost priority. Fortunately, in 2018 the Village conducted a Comprehensive Stormwater Study with CDBG Community Planning Funds in conjunction with the Drinking Water Infrastructure Study. The 2018-19 Comprehensive Study was an essential part of the Village’s ability to respond so quickly and apply to CDBG for the \$1.25M Co-Funded Infrastructure Grant making critical improvements to very susceptible infrastructure failure. Prior to the CDBG award, the Comprehensive Study provided the Village with the ability to secure as much as

\$3.5M in USDA Rural Development loan financing at 1.25%, which also contributed to the distinction of the “Co-Funding” Infrastructure Grant from CDBG, increasing the infrastructure grant substantially to \$1.25M.

The “Main St” project includes all the same approvals and permits from (incl. but not limited to) the NYSDEC, US Army Corp of Engineers, and the State’s Office of Historic Preservation, while ensuring there is no impact to the wetlands, protected mussels in French Creek, and no concern from the Seneca Nation that cultural resources may be disrupted, among many other very fine details. The Main St project also required approvals from the NYSDOT. The State’s Department of Transportation consists of departments involving the right-of-way, signage, sidewalks, ADA accessibility, and more. As the project is underway there is a need for change orders, and each change must go back through the various departments for approval. The Fall of 2024, leading to the unfinished upper east side of Franklin St, and the most recent request for sidewalk installation to the upper west side of Franklin St, have delayed the contractor from returning, pending NYSDOT permits.

All projects allow for contingency budgets with the potential for unknown circumstances and challenges that can’t all be anticipated until construction. Fortunately, there have been few issues arising, giving the Village the ability to expand the scope to these secondary priorities, and fully utilizing the grant funds for the community. But this involves change orders, and the chain of approvals that commences, which has brought about these delays. This is not due to contractor scheduling. Legend Excavating has been very accommodating; and within the agenda set forth the Village will be extending its contract by 61 days to August 1st. With the actions today, the contractor is expecting to return to Sherman this month.

Though CDBG will not include the CR2T Trailhead Parking improvements off of Franklin St, Rural Development has approved the improvements to be financed within the loan given for the stormwater infrastructure, transecting the parking lot to French Creek. This project will involve Legend Excavating and the Town of Sherman. With the experience and expertise of members of the Chautauqua Watershed Conservancy, the present condition of the property will see great improvement. These collaborations presented another opportunity to the Village with a grant of \$20,000 from CREDC with the continued support from CCPEG. The Chautauqua Region Economic Development Corp and Chautauqua County Partnership for Economic Growth see the potential in the Village of Sherman’s vision in the Downtown and the plan to become a Trail Town, all of which further strengthens the Chautauqua County initiatives to Choose Chautauqua and Live Chautauqua. This will tie in beautifully with the Paint CHQ mural installation coming this September.

‘Lower’ Miller St will be the final section completed under the “Main St” project. The extent of the construction will be dependent on final budget details and will use a majority of the current CHIPS balance available to the Village, leaving little for other streets improvements this coming year.

“Upper Basins”

Challenges typically lend themselves to unexpected opportunities. After repeated unsuccessful attempts to apply to the NYSDEC Climate Smart Communities Program for the ‘Nature Center Pond’, the Village established a relationship with Chautauqua County Soil and Water Conservation District who will be taking on this project involving two distinct sites. First, the installation of a dry detention pond, NW of the Nature Center Pond, situated along the creek slowing the vast amount of water from Drainage Area 3 prior to flooding residents and the

athletic field (that has served as the de facto stormwater detention prior to receding to French Creek). Second, expanding and regrading an area to temporarily detain flooding from Drainage Area 2 along the North Haven/Sherman Apartments, which flows to west Park St, between Kipp and Church Streets to W Main St, before crossing under Edmunds Park to French Creek.

Additionally, Barton & Loguidice is engineering the upper Miller St flooding in Drainage Area 3, beginning in the Town of Westfield at Titus Rd, that flows behind the west side of Columbia St. With directional drilling, the Village may convey a significant amount to the dry detention pond at the Nature Center.

RES 2025-06-05.1: MAIN ST STORMWATER CHANGE ORDER #4

FOR CHURCH & FRANKLIN, INCL. CONTRACT 1A EXT. – LEGEND EXCAVATING

Motion to approve and authorize the mayor to sign the fourth Change Order for the Main Street Stormwater Improvement Project with Legend Excavating, LLC, the general contractor; for construction related to Franklin and Church Streets along with the 61-day extension of the contractual agreement with Legend Excavating as follows:

The Contract is modified as follows upon execution of this Change Order:

Description:

This change order is for a change in scope to include the restoration work shown on the attached Sheet SK-1R – Franklin Street Sketch and on Sheet SK-2 – Church Street Drainage Improvements prepared by B&L. The additional scope of work on Franklin Street includes storm drain improvements and associated surface restoration on the west side of Franklin Street near the West Main Street intersection. The additional scope of work on Church Street includes installation of 240 LF of 12" drainage pipe and five (5) new drainage inlets, along with full-depth and width pavement reconstruction, concrete curbing, and sidewalk surface restoration to facilitate efficient collection and conveyance of stormwater runoff to the new drainage system previously installed on West Main Street. The total cost of this Change Order No. 4 will be \$49,028.60 (see attached cost estimate), resulting in the Contract Price being increased from \$1,317,846.24 to \$1,366,874.84.

Attachments:

- 2056.013.001 Franklin Street Sketch SK-1R dated September, 2024 and last Revised June 3, 2025;
- 2056.013.001 Church Street Drainage Improvements Sketch SK-2 dated September, 2024 and last Revised June 3, 2025; and,
- Cost Estimate, prepared by Legend Excavating, dated June 4, 2025.

Change in Contract Price	Change in Contract Times
Original Contract Price:	Original Contract Times:
\$ 1,078,808.88	Substantial Completion: September 25, 2024
	Ready for final payment: October 25, 2024
Increase from previously approved Change Orders No. 1 to No. 3:	Increase from previously approved Change Orders No. 1 to No. 3:
\$ 239,037.36	Substantial Completion: +249 days
	Ready for final payment: +249 days
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 1,317,846.24	Substantial Completion: June 1, 2025
	Ready for final payment: July 1, 2025
Increase this Change Order:	[Increase] [Decrease] this Change Order:
\$ 49,028.60	Substantial Completion: +61 days
	Ready for final payment: +61 days
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 1,366,874.84	Substantial Completion: August 1, 2025
	Ready for final payment: August 31, 2025

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

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

The foregoing resolution was thereupon declared duly adopted this 5th day of June 2025.

The following resolution decreases the budgeted amount for the Upper Basins, however as of 6/4/2025, the over/under credit with Legend Excavating is \$138,780 and the unallocated balance of the \$1.25M in CDBG grant is \$21,905 (*not to be double counted as available funding for replacement of Upper Basin budget*). A future change order for lower Miller St will use the CDBG balance of \$21,905 in stormwater infrastructure and sidewalk along the bank on the west side of Miller St, in addition to CHIPS funds for the milling and repaving of Miller St. Future increases to the \$2.5M Form E budget (of the previously \$5M project / bond adoption), may be increased by \$130,000-\$150,000 to \$2.65M.

RES 2025-06-05.2: STORMWATER BUDGET REVISION OF FORM E #5

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 5^h day of June, 2025, at 5:30 a.m., the following resolution was offered by Trustee Emory who moved its adoption, seconded by Trustee Watson to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting Revisions to the “Village of Sherman Stormwater Infrastructure Improvements Project”, Capital Project as administered through USDA Rural Development. The Village Board hereby modifies the following Administrative and Construction budget items to the upcoming Form E #5:

A.3 Net Interest to be decreased by \$5,000.00

C.2a Upper Basin Construction to be decreased by \$49,082.60 (\$54,082.60)

And

A.4 Fiscal Coordination to be increased by \$5,000.00

C.1a Construction Contract 1A to be increased by \$49,082.60 \$54,082.60

The reason for these modifications is to update the allocation of costs within administration for Fiscal Advisors sale of the \$1.25M BAN for the 2025-2026 short-term financing; and the construction of the Main Street Stormwater Improvements to the upper west side of Franklin Street and Church Street Change Order #4 to Contract 1A with Legend Excavating, LLC under RES 2025-06-05.1.

THIS BUDGETARY MODIFICATION RESULTED IN NO CHANGE TO THE TOTAL BUDGET.

WHEREAS, the Village of Sherman, Village Board has reviewed the Form E Capital Outlay Budget category and,

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on June 5, 2025, the result of which vote was as follows:

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

The foregoing resolution was thereupon declared duly adopted this 5th day of June 2025.

The next board meeting will address the STORMWATER AUTHORIZATION TO PROCEED WITH THE PARKING AREA.

The mayor wishes to express her gratitude for such committed board members to the community of Sherman. This urgently scheduled meeting in the early hours of the morning, is not something of secret conspiracies, but for the remarkable care and understanding of the complexity of the projects, the fact it is June amid the construction season, the deadlines and accountability to funders, and the desire to get the work done expeditiously for the residents and businesses of Sherman.

Motion to Adjourn at 5:36am

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 3 Nays: 0

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer

Next Meeting: Regular Board Mtg Wednesday, June 11, 2025, at 6pm