

VILLAGE OF SHERMAN
MINUTES OF THE REGULAR BOARD AND
THE MUNICIPAL ZONING BOARD MEETINGS
Wednesday, August 5th, 2020 at 6:00pm

The meeting was held remotely by videoconference. Mayor Meeder welcomed everyone and opened the meeting at 6:00pm by leading everyone in the pledge of allegiance. Board members Colleen Meeder, Isaac Gratto, Donna Higginbotham and Ryan Sanders, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, and the press were in attendance. Trustee Kirk Ayers sent his apologies.

RES 2020-08-05.1: PREVIOUS MINUTES

Motion to accept the previous minutes of the Regular Meeting and the meeting of the Municipal Zoning Board held July 8th, 2020, and the Special Board Meeting held July 20th, 2020.

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

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

Moved by Trustee Sanders Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

RES 2020-08-05.2: SPECIAL USE – SIGN PERMIT

Motion to approve the Sign Permit for B K Wine & Spirits at 107 West Main Street at no cost to promote the economic development of the Village during this pandemic.

Moved by Trustee Gratto Seconded by Trustee Sanders
Ayes: 4 Nays: 0 Carried

RES 2020-08-05.3: SPECIAL USE – DUMPSTER & SIGN PERMITS

Motion to approve the Annual Commercial Dumpster and Sign Permits for Arlene’s Kitchen at 104 East Main Street, at no cost to promote the economic development of the Village during this pandemic.

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

TEMPORARY SIGNS

Mayor Meeder reported that last year our code enforcement officer enforced the local zoning law (2009) regarding signs that were displayed too long prior to the election. The law clearly states how long a political sign can be displayed before an election and after an election. This year he enforced this law again and was met with conflict. The case “Reed vs Town of Gilbert” was brought to our attention. In the case of Reed vs Town of Gilbert in 2015 the supreme court ruled that you cannot discriminate between political and other signs. They felt that it hindered free speech and all temporary signs must be treated the same, i.e., we cannot differentiate between ideological and political signs.

The mayor continued to explain that if an ordinance is village wide it does not have to be dealt with under zoning, it can be dealt with under municipal code. Addressing this will need to include every

possibility; there will be no difference between graduation signs, political signs, support (e.g. for policemen), benefit signs, etc. The duration must also be carefully considered, and the language will need to be all encompassing. We cannot delineate any time period for temporary signage based on content. Mayor Meeder continued that she believes this moves away from the initial intention of most municipalities who are trying to prevent visual clutter. The City of Jamestown is the only municipality that specifies “no duration” in their governance of temporary signs, political or other. It would be good to resolve this before the next election season.

The seminar “Sign Regulation” hosted by Southern Tier West this fall will cover this issue and the mayor encouraged everyone to attend both “Zoning: Getting it right for your community” on September 16th, 2020 and especially “Sign Regulation” on November 4th, 2020.

Motion to close the Municipal Zoning Board Meeting and resume the Regular Meeting of the Board.
Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:

WATER AND STREETS REPORTS FROM SUPERINTENDENT

With Doug Crane being away on leave this week, the mayor reported that the work on Kendrick Street has started. They have started laying water lines and, in the process, discovered old water lines below the water lines that are not in any of our drawings or system maps. One of these were nicked and the result was our guys were under the road for an entire day trying to cap that off. The loader and truck will be ordered after 8/10/2020, both the loader and truck are on government bids which means we don’t have to go out for bids. Mr. Irwin added that the work along Willard Street is about halfway complete.

STORMWATER PROJECT

The DI in front of the Fire Hall on Park Street is not draining into the stormwater collection system. It is believed to be collapsed, but we will not be sure until we dig it up. Mr. Irwin added that they did not believe this DI had any function and after confirming this, will probably fill it in. He will investigate the best way to resolve this when Mr. Crane returns.

SEWER REPORT FROM CHIEF SEWER OPERATOR

Mr. Irwin said that BPD – Sewer Solids “Screw Press” had been available at the sewer plant for the past few days and would still be available for viewing until the end of Thursday. Trustee Higginbotham and Sanders had already come and seen it operating. Trustee Higginbotham added that she was thoroughly impressed with it and hoped the purchase of the screw press is seriously considered. Mr. Irwin informed the board that the screw press was not included in the sewer plant upgrades but it could be included in a shared service grant, which our engineer is looking into. Since some neighboring plants don’t have sludge removal it could have other benefits to us.

Andrew Norton will be away for two weeks while he does the first part of his wastewater operations training. He will be away from the 17th until the end of August. He will be back for a week and then attend the last two trainings in September and then his training will be complete. Once he has completed his 2080 hours, he will be able to do the test to qualify as an operator.

PUBLIC PARTICIPATION

There was none.

FINANCIAL REPORT FROM CLERK-TREASURER

General Checking Account: Balance (08/05/2020) is \$184,241.52 & book balance \$198,061.07
NYS Fund Bank Account: Balance (08/05/2020) is \$0
Sewer Project Bank Account: Balance (08/05/2020) is \$194,256.84
Water Project Bank Account: Balance (08/05/2020) is \$0
CD Account: Balance (08/05/2020) is A\$150,300.62, B\$0
CD Interest Earned at the close 8/10/2020 +\$1,052.63
Balance (08/10/2020) to A\$151,353.25, B\$0

Trustee Higginbotham queried two vouchers: Falconer Veterinary Clinic (Sherman Cat Coalition for spaying stray cats) and City of Jamestown (full transcription of Zoom meetings).

RES 2020-08-05.4: VOUCHER

Motion to approve Voucher #3 for \$22,221.94 as presented for July 2020, of which \$0 is from the NYS Special Fund, \$6,980.65 is from the Sewer Project Fund and \$0 is from the Water Project Fund.
Moved by Trustee Gratto Seconded by Trustee Higginbotham
Ayes: 4 Nays: 0 Carried

RES 2020-08-05.5: ADDITIONAL VOUCHER

Motion to approve the additional unprocessed vouchers for JMI for \$1,716 & \$1,122, Girts Gravel for \$2,016.90, ESMR for \$332.90, all for streets, stormwater, and sidewalk material; along with other smaller invoices to Lock City and Central Tractor (including an air compressor for \$550), and Monroe Tractor for blades in the amount of \$1,009.48. All of which will be included in Voucher #4 for August. *All Available for Trustee Review.*
Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

CASH BUDGET REVIEW

Due to the uncertainty of the pandemic we budgeted \$10,000 for sales tax, which is much lower than normal, but the mayor was happy to report we received \$17,067. It is still down about 20%, but more than expected. The mayor reviewed all balances and concluded with our current cash position which is \$341,083. She explained that this is \$66,000 more than our position this time last year. She added that most of this difference is due to the large streets project we undertook last year. She showed them projections for the rest of the year, then answered questions.

OLD BUSINESS:

TREE HEALTH: National Grid has contracted a tree trimming and removal service to take down impaired trees that are near electric transmission wires. Residents must call and request National Grid to send someone to inspect their trees and site for eligibility.

NEW BUSINESS:

RES 2020-08-05.6: 2020-2021 TREE BEAUTIFICATION – VILLAGE MATCH

Motion to approve the Village match not to exceed \$2,500 for trees purchased or sponsored by residents (or other stakeholders) through the remaining 2020 calendar year, in coordination and much appreciation of the Tree “Beautification” Committee.
Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 0 Carried

RES 2020-08-05.7: FISCAL ADVISOR GENERAL CONTRACT

Motion to approve the retainment of **Fiscal Advisors & Marketing, Inc.**, as the financial advisors, for the purpose of financial advisory services for the Village of Sherman. The contract specifies the fee structure for services available; this contract would apply to stormwater, streets equipment, and all other financial advisory services requested by the Village of Sherman, with the exception of the Water and Sewer Capital Improvement Projects which are managed under individual contracts.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-08-05.8: BOND COUNSEL FOR STORMWATER PROJECT

Motion to approve the retainment of Trespaz & Marquardt, LLP, attorneys and counselors at law, for the purpose of Bond Counsel for the Village of Sherman's \$3.5 million Stormwater Project; and authorize the mayor to sign the engagement letter not to exceed \$27,000 for services rendered in preparation of serial bonds.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

Motion to adjourn the meeting at 6:45pm.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Wednesday, September 2nd, at 6pm Regular Meeting