

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 5 Nays: 0 Carried

RES 2020-06-17.4: SPECIAL USE PERMIT - SHED

Motion to approve the special use permit for the Ayers 10x14' shed at 113 Prospect St.

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

RES 2020-06-17.5: SPECIAL USE PERMIT - SHED

Motion to approve the special use permit for the Meeder 10x14' shed at 161 Park St.

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

RES 2020-06-17.6: SPECIAL USE PERMIT - SHED

Motion to approve the special use permit for the Piazza 10x16' shed at 159 Miller St.

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 5 Nays: 0 Carried

Motion to close the Municipal Zoning Board Meeting and open the Special Meeting of the Board.

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

SPECIAL BOARD MEETING:

STORMWATER - SEQRA

As previously done with our wastewater and water projects, the Village is preparing the stormwater State Environmental Quality Review Act (SEQRA) and other documents in accordance with USDA Rural Development requirements, in anticipation of a future loan application.

RES 2020-06-17.7: STORMWATER SEQRA – LEAD AGENCY

Motion to approve the following resolution for the Village of Sherman to act as the lead agency for the SEQRA for the Stormwater Project:

RESOLUTION NO. 2020-06-17.7

Proposed Action: Village of Sherman Stormwater Management Infrastructure Project

***RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF SHERMAN
VILLAGE BOARD TO ACT AS LEAD AGENCY***

WHEREAS, the Village of Sherman (Village) is proposing the Stormwater Management Infrastructure Project (Project), located within the Village of Sherman, Chautauqua County, New York, and partially within the Town of Sherman north of the Village; and

WHEREAS, the Project has been classified as a “Type I Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the Village of Sherman Village Board to assume the role of “Lead Agency” for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, Part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the Village of Sherman Village Board, and will be circulated to all Interested and

Involved Agencies for purposes of establishing the Village of Sherman Village Board as “Lead Agency” in accordance with 6 NYCRR Part 617.6(b).

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that the Mayor of the Village of Sherman is hereby authorized to sign Part I of the Full Environmental Assessment Form (page 13); and it is further

RESOLVED AND DETERMINED, that the Village of Sherman will send said Part I of the FEAF and associated site figure to the attached list of “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under SEQRA/SERP; and it is further

RESOLVED, that the Mayor of the Village of Sherman and the Village Board, together with the Village of Sherman Attorney and Barton & Loguidice, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

<i>Colleen Meeder, Mayor</i>	<u><i>Aye</i></u>
<i>Isaac Gratto, Trustee</i>	<u><i>Aye</i></u>
<i>Donna Higginbotham, Trustee</i>	<u><i>Aye</i></u>
<i>Kirk Ayers, Trustee</i>	<u><i>Aye</i></u>
<i>Ryan Sanders</i>	<u><i>Aye</i></u>

The foregoing resolution was thereupon declared duly adopted this 17th day of June, 2020. I hereby certify that this resolution was adopted on June 17th, 2020 and is recorded in the Meeting Minutes of the Village of Sherman Village Board.

Jeanette Ramm
Village Clerk

Moved by Trustee Gratto Seconded by Trustee Higginbotham
Ayes: 5 Nays: 0 Carried

RES 2020-06-17.8: B&L ENGINEERING AGREEMENT

Motion to approve agreement between the Village of Sherman and Barton & Loguidice for engineering services and grant consultation up to the amount of \$5,000 (as budgeted).

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

RES 2020-06-17.9: BENTLEY TREE CARE

Motion to accept the tree evaluation services of Bill Bentley of Bentley Tree Care.

Moved by Trustee Gratto Seconded by Trustee Higginbotham
The motion was tabled.

RES 2020-06-17.10: NATIONAL GRID SOLAR STUDY - APPENDIX J

Motion to approve and authorize the mayor to sign Appendix J with Solar Liberty, to begin the CESIR (Coordinated Electric System Interconnection Review) by National Grid.

Moved by Trustee Gratto Seconded by Trustee Ayers
Ayes: 5 Nays: 0 Carried

STREETS EQUIPMENT PROJECT

The mayor reviewed the streets equipment project (Public Hearing April 15th) which includes a 2020 Case Loader with 60” forks and a 2020 F350 Truck with a snowplow and stainless-steel dump body. We have been awarded the full \$50,000 grant. The total cost for this project, including administrative fees (bonding, attorney’s fees, etc.) will be \$228,029. The Village commitment is \$12,000 (5% down) and the loan for \$166,000 for 15 years at 2.375%. We still plan to sell the 2014 F350 truck and the 2015 loader.

RES 2020-06-17.11: USDA RD GRANT ACCEPTANCE

Motion to accept the USDA RD Community Facilities Program Grant in the amount of \$50,000 for streets equipment.

Moved by Trustee Gratto Seconded by Trustee Ayers
Ayes: 5 Nays: 0 Carried

RES 2020-06-17.12: USDA RD LOAN RESOLUTION

Motion to adopt the Loan Resolution form RD 1942-47 between the Village of Sherman and the United States Department of Agriculture, acting under the provisions of the Consolidated Farm and Rural Development Act; whereas the Village of Sherman Board of Trustees agrees to the language therein with the USDA RD for the Village of Sherman in the amount of \$166,000 for streets equipment.

Moved by Trustee Ayers Seconded by Trustee Gratto
Ayes: 5 Nays: 0 Carried

RES 2020-06-17.13: BOND COUNSEL

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 \$230,000 Streets Equipment for 2020; and authorize the mayor to sign the engagement letter not to exceed \$6,000 for services rendered in preparation of serial bonds.

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 5 Nays: 0 Carried

RES 2020-06-17.14: STREETS EQUIP BOND RESOLUTION

The following resolution was offered by Trustee Gratto, who moved its adoption, and seconded by Trustee Ayers to wit:

BOND RESOLUTION OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, ADOPTED ON JUNE 17, 2020, AUTHORIZING THE ACQUISITION OF A FRONT LOADER AND TRUCK AT AN ESTIMATED MAXIMUM COST OF \$230,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$230,000 BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE VILLAGE TO PAY THE COST OF THE PROJECT

WHEREAS, the Board of Trustees of the Village has determined that it is desirable for the Village to undertake a project (the “Project”) consisting of the acquisition of a front-end loader and pick-up truck with snow plow, including, original furnishings, equipment, machinery, apparatus incidental thereto, all as required for the purpose for which such Project is to be used, at a maximum estimated cost of \$230,000, including all professional costs; and

WHEREAS, the Village Board, as a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”) reviewed the impact of the purchase and finance of Project, and determined that such action constitutes a “Type II Action” under the Regulations and is not subject to review under SEQRA; and

WHEREAS, the Board of Trustees now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED THIS JUNE 17, 2020 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The acquisition of a front-end loader and pick-up truck with snow plow, including, original furnishings, equipment, machinery, apparatus incidental thereto, all as required for the purpose for which such Project is to be used, at a maximum estimated cost of \$230,000, including all professional costs, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose is by the issuance of up to \$230,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Village, hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay interest on said obligations.

Section 3. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 4. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies or any purchaser in accordance with the provisions of the Local Finance Law.

Section 5. The Village Treasurer is hereby further authorized, at her sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 2 hereof, or a portion thereof, by a bond, and/or note issue of said Village. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the United States Department of Agriculture – Rural Development or any other purchaser, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of the Village in the event of the sale of same to the United States Department of Agriculture – Rural Development.

Section 6. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Board of Trustees.

Section 7. The following additional matters are hereby determined and declared:

- (a) Pursuant to subparagraph (a)28 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is fifteen (15) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 8. *The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Village's General Fund. It is intended that the Village shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Village's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.*

Section 9. *Such bonds shall be in fully registered form and shall be signed in the name of the Village of Sherman, Chautauqua County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Village Clerk.*

Section 10. *The Village hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.*

Section 11. *All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated Official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in*

Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 12. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the issuance of the obligations authorized herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This Resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village this 17th day of June 2020, the result of which vote was as follows:

Colleen Meeder, Village Mayor	<u>Aye</u>
Kirk Ayers	<u>Aye</u>
Isaac Gratto	<u>Aye</u>
Donna Higginbotham	<u>Aye</u>
Ryan Sanders	<u>Aye</u>

RES 2020-06-17.14: STREETS EQUIP BOND RESOLUTION SUMMARIZED (Subject to Permissive Referendum).

Motion to approve the Bond Resolution of the Village of Sherman, Chautauqua County, New York, Adopted on June 17, 2020, authorizing issuance of \$230,000 of bonds for the Village of Sherman to pay the costs of streets equipment for the Village of Sherman.

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

A letter was received from the Town of Sherman yesterday informing us that they would not be collecting the money for the youth program this year. Mayor Meeder said she had phoned the school superintendent and he was not aware of this decision either. Since we have already budgeted the \$2,500 for the various youth programs, we will keep it aside in case the Sherman Youth Program's still have need of it.

OLD BUSINESS:

The Sherman Community Cat Project, coordinated by Kelly Thornton, has already started trapping stray cats this season. The Village budget for this fiscal year includes \$500 to help fund this project. The clerk will inform Kelly Thornton about this.

Motion to adjourn the meeting at 8:02pm.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer

Next Meeting: Wednesday, July 8th at 6pm **note it is the second Wednesday of the month**