

VILLAGE OF SHERMAN
MINUTES OF REGULAR BOARD MEETING
And Meeting of the MUNICIPAL ZONING BOARD
Wednesday, September 4th, 2019 at 6pm

The Mayor opened the meeting with the Pledge of Allegiance. Board members Colleen Meeder, Isaac Gratto, Mary Reyda, Donna Higginbotham and Kirk Ayers, Clerk-Treasurer Jeanette Ramm, Street and Water Superintendent Doug Crane, Chief Wastewater Operator Jay Irwin, five members of the public and the press were in attendance.

RES 2019-09-04.1:

Motion to accept the previous minutes of the Regular Board Meeting and Municipal Zoning Board Meeting held August 7th, 2019, and the Special Meeting held August 19th, 2019.

Moved by Trustee Ayers Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

RES 2019-09-04.2:

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

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

Mayor Meeder presented the NYS AUGUST 5th, 2019 REPORT regarding Code Enforcement in New York State. She highlighted some of the subjects covered in the report (including vacant and abandoned properties, and penalties) and referred to issues that are being addressed here in the village, explaining that we are on the right track. She said that reading the article will help people understand what we are doing, and why we are doing it. This report is available on the Sherman website at [shermannny.org/government/inspection officers](http://shermannny.org/government/inspection%20officers) – “2019_08 NY STATE FINAL CODE ENFORCEMENT REPORT”.

PERMITS & PROPERTY MAINTENANCE REPORT FROM ZONING OFFICER

Greg Gormley’s report on the current cases was reviewed. The ZEO has been in contact with the attorney for the Farmer’s Mill, as well as Arden Ohlsson (a previous board member of the Mill) who is trying to assist with the necessary vacant property procedures. This issue is urgent as we are trying to prevent this from becoming a serious rat problem.

RES 2019-09-04.3: ZONING REPORT

Motion to accept the report from the Code and Zoning Enforcement Officer(s):

Cases since opened and immediately closed:

- Laskey-Trash

Cases currently open:

- Farmers Mill – on-going to bring building into LL 1-2019 standards
 - Spoken w/ attorney, Rupczyk and Ohlsson (Bankruptcy)

Vacant Properties – registrations not completed

- Chandra Hannold, Cornish St.
- Michelle Reinken, Hart St.

Vacant Properties – registrations on file

- Jeff Winton, 157 W Main St.
- Scott Winton, Miller St., condemned
- Sid Meeder, Willard St.

Cases to open or review:

- 110 Kipp St – Chickens – will follow up
- Amanda Lutgen

Property Clean Up Status:

- Kulpa – Some improvement, as property dries and allows for Village access.
- Chandra Hannold - Cornish St., Zoning & Code Officers reviewing status of case.

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

FERAL CATS: We have had numerous complaints about feral cats, but believe we have a solution to this growing concern. The Village will work with Little Angel Animal Sanctuary (LAAS), a non-profit organization who manage the population of feral cats through a program where they safely trap, treat and release the cats. The cost is \$45/male and \$70/female which covers the cost of spaying, neutering, a flea treatment and vaccinations for feline diseases before they are released back where they were trapped. Returning the cats should prevent new feral cats from entering the population. Spaying the males means they will no longer spray or fight with domestic cats. This solution will keep the population and diseases under control, and curb the destruction of private property. Kelly Thornton recommended LAAS as a solution to this growing issue, and she is looking for support and donations to trap and treat these animals. She personally has vetted 9 cats. Lynn Griswold has also been an advocate for stray cats. The Village will pay the Little Angel Animal Sanctuary directly for their efforts in trapping and vetting the animals. The sanctuary is looking for property owners willing to allow the trapping of cats on their property, all the work is performed by the sanctuary. Notices will be mailed and posted before any trapping begins. This will be conducted annually during the months of May-Oct (during warmer months only).

RES 2019-09-04.4

Motion to commit \$950.00 from the general fund towards the spayed and neutering of roaming cats.

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

RES 2019-09-04.5

Motion to close the Municipal Zoning Board Meeting and resume the Regular Meeting of the Board.

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

REGULAR MEETING OF THE BOARD RESUMED

MAYORAL ADDRESS

The mayor readdressed the water and sewer billing cycle along with the tax billing cycle. She handed out a sample outlining how a utility bill, if unpaid by April of any year, is relieved and added to the village tax bill. Then if unpaid again, how it is relieved onto the Town and County tax bill. And again, if unpaid it finally goes to County Tax Auction where the bill can now have up to three years of activity. She further explained what amounts are made whole by the County, and why the last water and sewer relevy had to be removed from the foreclosed tax property.

Mayor Meeder read a thank you card from Jerry and Ginny King addressed to the Streets Superintendent, Doug Crane, and his crew for doing such a great job on their sidewalk and driveway.

WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT

Mr. Crane explained that as they are putting in the new water mains the old clay tile which lacks good fill is crumbling, and filling the holes being prepared for the water mains. Therefore, the drainage needs to be replaced while we are putting in the new water lines. Although this takes more time, the improvements along First Street are progressing. There have also been issues with the old service lines as we disturb the ground. We had to go back and redo 2 lines which was a huge time loss. Going forward we'll dig out into the road where it's undisturbed, cut the pipe off and run temporary lines above the ground. In response to Trustee Higginbotham's question Mr. Crane said that First Street will be paved, at least have binder on before winter. Mr. Crane said Dennis Sweatman had some time and will begin putting millings down on Edmund Street, after which we'll schedule the county to come pave the road. The original 90° turn is not possible, but we will still sharpen the angle of the bend to reduce speeding.

Trustee Higginbotham asked what was being done with the sidewalk in front of Miss Laura's Place. Mr. Crane explained that because of all the projects currently being completed, a temporary ramp is going to be installed before winter. A permanent ramp will be built next year.

SEWER REPORT FROM CHIEF SEWER OPERATOR

Mr. Irwin said that his guys had been busy working with Mr. Crane putting in the water lines over the last month. The sewer project is at the grants and paperwork stage, and Tom Becker from USDA RD is meeting here with the mayor on Monday, Sept 9th to sign the letter of conditions and go over all the details. The conditions include Equal Opportunity Employment, Minority and Women Owned Businesses, fiscal reporting, and all the usual compliance requirements.

The Wastewater Treatment's Open House is this weekend, Friday Sept 6th and Saturday Sept 7th. The mayor extended the invitation to everyone again, expressing that even if only twenty people come, we are opening the lines of conversation, showing people where the plant is and what happens there, and why we are making upgrades.

Everyone was pleased to hear that Dennis Watson has his Level 2 Certification and has been hired by Little Valley as their wastewater operator.

TRUSTEE CANDIDATES

The clerk reported that the Board of Elections has confirmed three candidates running for the two Village Trustee positions. Mary Reyda is finishing her term but will not be running again. Isaac Gratto, current Deputy Mayor, is up for reelection. Ryan Sanders and Nancy McCormack are the two new candidates running. It was noted that Ryan Sanders has attended the regular board meetings since February.

SEXUAL HARASSMENT

The clerk reminded everyone that pursuant to Section 201-g of the New York Labor Law, every employee (full-time or part-time), Board Member, Stanley Hose Fireman and Auxiliary Member is required to complete the mandated Interactive Sexual Harassment Training by October 9th, 2019. This training is available on the Sherman website at shermanny.org/information/sexual-harassment. If anyone has trouble with getting into the course, please call the clerk.

PUBLIC PARTICIPATION

Nina Coyle brought up the pallet shop, complaining that there were now four people working there, but Mayor Meeder replied that there is nothing for us to prohibit his working. She added that there are board members who don't believe Mr. Miller even needs a special use permit. The fact that we put any restrictions on him has been in question. There is no noise ordinance in the Village, and New York State only prohibits noise between the hours of 11pm and 6am. The issue is noise, and we don't have any legal restrictions. Ms. Coyle continued to complain about the pallet shop and in a heated response Trustee Ayers said that he understands she's upset, but he's tired of hearing about it every month. Legally this board cannot enforce noise restrictions without a law or ordinance in place. Brandon Van Curen interjected that it sounded as though no laws are being broken, so what can Ms. Coyle do? New York State has a noise ordinance from 11pm until 6am, if these are broken, she can call the sheriff. The issue is noise. The only way to change this is to create a local law in Sherman which is not going to happen since we have farmers, dog owners, race car owners, etc. This issue is closed. Mr. Przepiora said you can't say you're done, to which the mayor explained that this is a public meeting of the Village Board. Public participation is not required, the public has a right to hear the meeting, but it is a privilege to have their comments heard. We cannot enforce a law that does not exist, so the issue is closed.

FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account:	Balance (09/04/2019) is \$19,475.55 – book balance \$8,060.54
Special Bank Account:	Balance (09/04/2019) is \$2,500.00 – book balance \$-9,375.00
CD Account:	Balance (09/04/2019) is A\$150,065.03, B\$105,000.00
CD Transfer:	N/A
Village Taxes	Due by 10/1/2019
Account Adjustments:	Acct #309

RES 2019-09-04.6: VOUCHER

Motion to approve Voucher #4 for \$54,082.61 as presented for August 2019, of which \$0 is from the NYS Special Fund.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

Ryan Sanders
Carol Chase
Doug Crane
Gary Emory
Melissa Gormley
Georgeanna Peck
Tim Minge
John Swabik
Joel Fisher
Duane Woods
Sarah Oehlbeck
Kelly Thornton
Shannon Stevens

Moved by Trustee Higginbotham Seconded by Trustee Gratto
Ayes: 4 Nays: 1 (Trustee Reyda) Carried

PROPOSED RES 2019-09-04.10: W&S ACCOUNT #193

The mayor proposed the motion to leave the responsibility of the currently accruing water and sewer bill with the tenants and not the property owner. The recently purchased property of E Main St., bought at the County Tax Auction is in the tenant eviction process, and the new owners requested relief from the water & sewer bill. The W&S bill through 7/26 (closing with the County) is not the new owners' responsibility as noted in previous minutes because of the tax foreclosure law. The amount in question is from 7/27 – current. The mayor made the request of the board noting this is a highly unusual situation given the very few tax foreclosures seen in the village. Deputy Mayor Isaac Gratto brought up concerns about NYS's new tenant and landlord laws highly favoring the tenant, in that the eviction could go on for an extended period of time. He felt this also could be a dangerous precedent to set. Trustees went on to say that the base charges would ultimately have to remain with the new owners (commencing 7/27), that is law, and the responsibility the new owners took upon themselves when buying the property. It was left that the Board would review the use charges at the next meeting to determine if the tenants abused the use of the water, and whether relief to the new owners would be applied. In any event, the tenants have the responsibility of the outstanding water and sewer bill and will receive a final bill after the reading at the time they move. At minimum the village will have to pursue the outstanding bill until it is paid in full, up to and including filing a small claim against the tenant.

NO ACTION TAKEN AT THIS TIME.

Motion to adjourn the meeting at 7:52p.m.

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

Respectfully submitted
Jeanette Ramm
Village Clerk-Treasurer

Notes:

Community Visioning Workshop
Next Regular Board Meeting

Tues, Oct 1st, 6pm, Fire Hall
Wed, Oct 2nd, 6pm, Village Office