

VILLAGE OF SHERMAN
MINUTES OF THE PUBLIC HEARINGS,
2020-2021 ANNUAL REORGANIZATIONAL MEETING,
REGULAR BOARD & ZONING BOARD MEETING
WEDNESDAY, MAY 6, 2020

Due to the COVID-19 pandemic and NYS Executive Order #202.1 the meeting was held remotely via Zoom. Board members Colleen Meeder, Donna Higginbotham, Kirk Ayers and Ryan Sanders, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, one member of the public, Gary Emory, and the press were in attendance.

Absent: Isaac Gratto

Mayor Meeder called the meeting to order at 6:05pm and led everyone in the pledge of allegiance.

Motion to suspend the regular meeting and enter into the Public Hearing of the Proposed Local Law 1-2020 “Opt Out of Real Property Section 487 Tax Exemption”, Proposed Local Law 2-2020 “Regulate Telecommunications Facilities and Small Wireless Facilities”, and Proposed Local Law 3-2020 “Sewer Rents Law Amendment”.

Move by Trustee Ayers Seconded by Trustee Higginbotham
Ayes: Nays: 0 Carried

PUBLIC HEARINGS: NEW LOCAL LAWS

Mayor Meeder discussed the need for the public hearings and summarized each local law. She noted that the first two local laws are the same local laws that the Town of Sherman put into place. The first local law has to do with opting out of the real property section 487 tax exemption. The second local law calls for regulating telecommunication facilities and small wireless facilities. The third local law deals with the incremental increases of the sewer rents law in order to fund the improvements to the wastewater treatment plant. She gave opportunity for questions and comments after each law was addressed. The complete laws can be found at the end of the minutes.

Motion to close the Public Hearing and begin the Annual Reorganizational Meeting of the Board.

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

REORGANIZATIONAL MEETING:

ORGANIZATIONAL ITEMS:

Deputy Mayor: Isaac Gratto
Code Enforcement Officers: Greg Gormley, Enforcement Officer (Zoning & Code)
 Dave Heckman, Inspection Officer
Attorney: Peter Clark
Engineer: Barton & Loguidice
Clerk/Treasurer/RMO/Tax Collector: Jeanette Ramm
Primary Crossing Guard: Geraldine Robson

Additional Crossing Guard: Greg Gormley
Official Newspaper: Post Journal
Official Depository: Community Bank NA
Fiscal policies:

- Renewal of the Procurement Policy dated September 15, 2017
- Mayor and Clerk co-sign payroll and voucher checks
- Clerk is authorized to make electronic transfers of T&A funds from general checking
- Clerk is authorized to make electronic payments for T&A taxes and expenditures (T&A – Trust and Agency funds)
- Clerk maintains NYS Special checking acct, *having no other electronic payments or receipts*
- Clerk will renew all CD's (cash in time deposits) with no changes
- Board will approve all CD deposits and withdrawals
- Clerk has advanced approval for utility payments, postage, and other regular payments due before the regular meeting.
- Clerk-Treasurer authorized to pay salaries; the mayor shall approve each payroll roster
- Re-establish the uniform system of accounts, and receipt practices, for 2020-2021.
- Mayor is given the authority to send employees to conferences, meetings, etc. with expenses in accordance with Board Policy and budgets
- Mayor is given the authority to make budget transfers with details made available to the trustees at regular meeting
- Continuance of public official liability coverage in the amount of \$1,000,000 / \$2,000,000 aggregate
- Certificates of Insurance with Sherman Central School District (for Sheldon Park / Harry Brosius Field), and Stanley Hose Fire Company
- Workers Compensation covers all Village employees including Stanley Hose Co members
- Continuance of disability coverage for the Village of Sherman employees
- FMLA – decision not to opt-in to the FMLA's paid family leave (PFL): RES 2018-03-07.4
- Re-establish the financial committee consisting of the mayor and the board of trustees

Investment Policy: Reaffirm Investment Policy adopted by RES 2019-05-01.21
Governance Policy: Reaffirm Governance Policy adopted by RES 2018-05-02.5 and revised by RES 2019-05-01.9
Insurance provider: WNY Insurance Agency: Policy 11/1/2019-11/1/2020
CC ALL-Hazard Mitigation Plan: Multi-Jurisdictional All-Hazard Mitigation Plan RES 2017-10-04.3
Mileage reimbursement rate: Set at current federal rate (currently is 57.5 cents per mile)
Personal vehicle use reimbursement: Chief Operator, Jay Irwin: \$30/m for plowing, South & Ctr, etc.
Cell phone reimbursement: Department Heads \$75/m, Clerk-Treasurer \$40/m, Other F/T employees \$25/m
Clerk's office hours: Monday – Thursday from 9:00am – 4pm
Regular Board meetings: First Wednesday of each month (except July which will be the second Wednesday) starting at 6pm.
Petty Cash: Set at \$150

Refuse Bags:	\$3.00 / Bag
Trustee Annual Salary:	\$1,300
Zoning Fee Schedule	Reaffirm the Zoning & Property Maintenance RES 2019-05-01.15 to approve the 2019-20 Building Permit, Property Maintenance, and Zoning Permit Fee Schedule
Sewer Emergency Response Plan	Reaffirm the WWTP & Collection System ERP 2020-02-05.7 <i>(To be updated a minimum of every three years.)</i>
Records Retention:	Reaffirm the Records Retention and Disposition Schedule MU-1, adopted by RES 2019-03-06.7
Fair Housing:	Reaffirm Fair Housing Policy adopted by RES 2017-07-20.1
Building Code:	Reaffirm Uniform Fire Protection & Building Code adopted by RES 2019-05-01.16
Equal Employment:	Reaffirm Equal Employment Opportunity Policy adopted by RES 2017-07-20.2
Sexual Harassment:	Reaffirm Sexual Harassment Prevention Policy adopted by RES 2018-11-27.2
Drug Free Workplace:	Reaffirm Drug Free Workplace & Substance Free Policy adopted/revised by RES 2019-05-01.24
Employee Handbook:	Reaffirm Employee Handbook Policies as last updated by RES 2019-05-01.23 & 24

RES 2020-05-06.1: ANNUAL REORGANIZATIONAL ITEMS

Motion to approve the annual reorganizational items as presented.

Moved by Trustee Ayers Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.2: DEPUTY MAYOR

Motion to reaffirm the authority of the deputy mayor to act on behalf of the mayor in her absence.

Moved by Trustee Sanders Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

Mayor Meeder noted that they would like to institute a penalty fee on general accounts past due. This was a new motion to establish a 10% penalty fee for general accounts past due.

RES 2020-05-06.3: PENALTY FEE ON GENERAL ACCOUNTS PAST DUE

Motion to establish a 10% penalty fee for general accounts past due including:

Rent - unpaid after the 25th of the month

Zoning & Property Maintenance Charges - after forty-five days from mailing

All other general charges – after thirty days from mailing

This will take effect June 25th, 2020.

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.4: CONFLICT OF INTEREST DISCLOSURE STATEMENT

Motion to accept from the Village personnel and Board members, a completed Conflict of Interest Disclosure Statement, including whether they have nothing to disclose or listing any significant

financial interests, businesses, and other non-profit affiliations related to the Village of Sherman: All Village board members, clerk-treasurer, and department heads are to sign this statement annually.

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.5: PLANNING BOARD MEMBER APPOINTMENT

Motion to reappoint Brian Bates to the Planning Board, for a five-year term ending May 2025.

Moved by Trustee Ayers Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.6: MUNICIPAL ZONING BOARD

Motion to reaffirm the Village Board of Trustees to the Municipal Zoning Board.

Moved by Trustee Sanders Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.7: ZONING BOARD OF APPEALS

Motion to reappoint the following members to the Zoning Board of Appeals.

Doug Crane

Nick Kenyon (Chair)

Fred Hamilton

Paul Fisher

Randy Sweatman

Carl Van Curen

Moved by Trustee Ayers Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.8: LOCAL LAW 1-2020 OPT OUT OF TAX EXEMPTION

Motion to adopt Local Law 1-2020 to Opt Out of Real Property Section 487 Tax Exemption, effective June 1st, 2020. (*Full law attached at the end of the minutes*).

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.9: LOCAL LAW 2-2020 REGULATION OF FACILITIES

Motion to adopt Local Law 2-2020 Regulate Telecommunications Facilities and Small Wireless Facilities; effective June 1st, 2020. (*Full law attached at the end of the minutes*).

Moved by Trustee Ayers Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.10: LOCAL LAW 3-2020 SEWER RENTS LAW AMENDMENT

Motion to adopt Local Law 3-2020 Sewer Rents Law Amendment, effective June 1st, 2020. (*Full law attached at the end of the minutes*).

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.15: WATER AND SEWER FEE SCHEDULE

Motion to record the Water and Sewer Fee Schedule for fiscal year June 1st, 2020 – May 31st, 2021.

(no-change) Water Base \$25/month/EDU *Equivalent Dwelling Unit*

(no-change) Water Use Rate \$4.60/100 CuFt

***** Sewer Base \$45/month/EDU

(no-change) Sewer Use Rate \$4.00/100 CuFt

Moved by Trustee Higginbotham Seconded by Trustee Ayers

Ayes: 4 Nays: 0 Carried

RES 2020-05-06.16: CLOSE REORGANIZATIONAL MEETING

Motion to close the Annual Reorganizational Meeting of the Board and resume the regular meeting of the Village Board of Trustees.

Moved by Trustee Ayers Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

REGULAR MEETING OF THE BOARD:

RES 2020-05-06.17: PREVIOUS MINUTES

Motion to accept the previous minutes of the Regular Board Meeting and Municipal Zoning Board held on April 15th, 2020, and the Public Hearings of the 2020-21 Budget, Zoning Permits, and grant applications, held on April 15th, 2020, along with the minutes of the Budget Workshop held on April 9th, 2020.

Moved by Trustee Ayers Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

Trustee Gratto joined the meeting at 6:48 p.m.

MAYORAL ADDRESS:

Committee Updates: Mayor Meeder noted that steering committee is still working and held a very productive zoom meeting on April 27. The Tree Committee will be meeting tomorrow, May 7th, via zoom to brainstorm their next actions. Mayor Meeder added that the Planning Board will be holding off until June for their organizational meeting. The Trail Committee, which is comprised of two committees, is presently scheduling another meeting. The first committee includes municipal leaders and the other as more of the organizational committee. Unfortunately, the Memorial Day Parade has been canceled due to the COVID-19 pandemic.

USDA Loan: Mayor Meeder has a meeting set with Tom Becker regarding the USDA loader loan. She is still working with Charles Pillion regarding the CDBG and the \$1,000,000 co-funding grant. The meeting with WIIA, USDA and CDBG loan agencies will include the fiscal advisors, engineers, and anyone else involved in the project. There is a conference call planned for May 7th to further discuss our co-funding options.

There seems to be a discrepancy between the amount of money we expected to receive from CDBG and the amount on the invitation letter. It seems there may be a possibility that the village could receive an additional \$250,000. If that is the case, then the WIIA would go down another 25% due to the contractual agreement of that grant. However, Mayor Meeder is excited about all the good things happening in Sherman right now, despite the current pandemic.

Mayor Meeder said that there is a meeting planned with the engineers following the CDBG grant meeting on the new sewer project. The CFA application and GIGP application will be discussed as more information comes out. The proposed date for another public meeting on the topic is June 3 as the applications are due in July.

Zoning: Mayor Meeder didn't see a need for any Municipal Zoning Board action at this meeting, however, she did note that some residents had expressed concerns over neighboring properties.

Tax Penalties: Mayor Meeder mentioned that through the New York State Conference of Mayors, (NYCOM), local municipalities are trying to lobby Governor Cuomo put a pause, on the real property tax law that applies to our penalties. Mayor's cannot waive or put a stay on the penalty fees that will be applicable on the upcoming Village taxes, due in June 2020. Cities and villages have no control over this because there is a law that governs all villages and cities. The governor, however, can put a pause on that and in effect push that penalty out. Currently, he is not choosing to do that. So, if people ask why the village doesn't waive the penalties on taxes during this time period, it is not something that the board has control over, it is up to the NYS governor.

DPW: Mayor Meeder noted that Superintendent, Doug Crane, will be working a bit more on 1st street but he will not be able to finish it at this point due to the fact that many water meters are inside residents' homes and they cannot be accessed due to the pandemic. He plans to finish as soon as that restriction is lifted. In the meantime, they have been cleaning up around the village. Mr. Crane has been ordering a lot of pipe for projects. In lieu of paying that \$16,000 to finish 1st Street, he is just basically swapping between one fiscal year and the other. Rather than ordering material right now for 1st Street because he can't do anything yet, he's ordering pipe for the Miller Street project. Gary Emory has been helping to clean out some storm water drains that have become clogged and while they are on site, they have been removing Japanese weeds.

WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT

Mayor Meeder noted that Doug Crane will be working more on 1st Street but he will not be able to finish it at this point due to the fact that many water meters are inside residents' homes and they cannot be accessed due to the pandemic. He plans to finish as soon as that restriction is lifted. In the meantime, they have been cleaning up around the village. Mr. Crane has been ordering a lot of pipe for projects. In lieu of paying that \$16,000 to finish 1st Street, he is just basically swapping between one fiscal year and the other. Rather than ordering material right now for 1st Street because he can't do anything yet, he's ordering pipe for the Miller Street project. Gary Emory has been helping to clean out some storm water drains that have become clogged and while they are on site, they have been removing Japanese weeds.

Trash Clean-up: Mayor Meeder wanted to thank the Town of Sherman for lending us their ten-wheeler while we did village trash clean up. Since the village is no longer paying for garbage by weight, but by load the workers have had to get creative with their stacking. Residents are taking advantage of the free garbage collection at this time as well. The free service will end on May 12 with bags already back in stock at Graham's Market. Bags are sold for \$30 per roll of ten. Any other number of bags can be purchased from the village office.

SEWER REPORT FROM CHIEF SEWER OPERATOR

Mr. Irwin stated that he had purchased a new motor for the Village’s blower, which was thirteen years old. The sewer employees are now working together with the engineers in preparation for sewer plant upgrades.

FINANCIAL REPORT FROM CLERK-TREASURER

General Checking Account:	Balance (05/05/2020) is \$56,988.26 – book balance \$54,191.50
NYS Fund Bank Account:	Balance (05/05/2020) is \$0 – book balance \$0
Sewer Project Bank Account:	Balance (05/05/2020) is \$242,749.52
CD Account:	Balance (05/05/2020) is A\$150,065.03, B\$0
CD Transfer:	\$0
Unpaid Taxes:	N/A
Account Adjustments:	N/A

Other funds still set to go through this year’s budget include a bill from Barton & Loguidice estimated around \$20,000. The money has been set aside to pay this once it is received. The Village is still waiting on the USDA RD funding for the DEC Comprehensive Plan in the amount of \$9,000 which was delayed due to the pandemic. \$15,500 has also been budgeted to finish the blacktop and completion of First Street.

Mayor Meeder expressed concern over the expected loss of sales tax revenue due to the COVID-19 pandemic. The next payment is expected to be much lower than the previous year. In addition to less sales tax revenue, April’s water and sewer bills were substantially less coming in at \$17,000 when the anticipated amount was \$28,000.

It was suggested that 20% be put down on the new loader at the time of purchase instead of the originally projected 5% because it gives the village a better chance of obtaining a \$50,000 grant. This would take the down payment to \$48,000 instead of the \$12,000. \$950 is still due as the interest payment on the current loader, however, Mayor Meeder would like to hold off on paying any additional amount to lower the balance until clarification comes from Tom Becker regarding additional grant monies. Trustee Gratto questioned whether the market is good enough to make a good sell for the loader. Mayor Meeder stated that she is concerned about this as well, however, it is more like a trade in than a direct sale. Doug has estimated conservatively a sale amount of \$60,000 for the loader and \$12,000 for the truck.

Ms. Ramm also noted that a resident had paid her taxes already however the tax bills have been sent yet. A refund was issued and will be applied to her tax bill once it is released.

RES 2020-05-06.18: VOUCHER

Motion to approve Voucher #12 for \$15,271.30 as presented.
 Moved by Trustee Ayers Seconded by Trustee Higginbotham
 Ayes: 5 Nays: 0 Carried

RES 2020-05-06.19: TAX WARRANT

Motion to accept the Village of Sherman Tax Warrant for April 22th, 2020 for \$271,958.90, including the approved budgeted General Fund Property Tax amount of \$207,792 and Unpaid Water/Sewer/Misc amounts totaling \$64,166.90: of which is the final amount of \$58,356.90 in unpaid

RES 2020-05-06.24: HISTORIC PRESERVATION COMMITTEE

Motion to establish the Historic Preservation Committee, for the purpose of preserving the historical assets of the Village of Sherman and the greater Sherman Community. This committee is open to all interested stakeholders, regardless of residency. The committee will establish its mission, to include highlighting Sherman’s architecture, schools, churches, Minerva Library, Yorker Museum, Civil War / Underground Railroad elements, Sherman’s connection to Chautauqua Institution, Cemeteries, Parks and Trails. This committee will be involved in researching, documenting, mapping, and promoting the rich history of our Sherman Community. The Historic Preservation Committee will work in cooperation with the Sherman Historian and the Sherman Historical Society, that oversees the management and preservation of the French Creek Yorker Museum, along with other partners including the Town of Sherman who oversees the Sherman Cemeteries and other aforementioned organizations.

(The Historic Preservation Committee is being organized and led by Jennifer TeWinkle.)

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 5 Nays: 0 Carried

RES 2020-05-06.25: LAND PURCHASE FOR WWTP

Motion to approve the purchase of land from Jason and Jamie Swan (including Howard Crump and Farm Credit as interested stakeholders) for \$140,000, including conditions in Appendix A, for Sewer Property, under the Wastewater Treatment Plant Project. The Village will incur related costs to transfer the property, as conducted by the village attorney. This motion authorizes the mayor to enter into the contractual agreement and sign all related documents for closure on the real property of 328.00-1-11 and 328.10-2-1.

Moved by Trustee Gratto Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

This motion includes Appendix A regarding the terms that permit Howard Crumb to use this property for his use for as long as he so chooses. Mayor Meeder noted that they are working out the final details with taxes and an understanding about maintenance. When someone is given “life use” it is different to a landlord or tenant type situation. The maintenance is still the responsibility of the “life use” recipient. The anticipated date and sale contract all of that would be June 5. More information will be available at the next meeting on June 3, 2020.

RES 2020-05-06.26: LARRY MEEDER

Motion to amend Larry Meeder’s 2020-2021 hourly rate of \$21.50, with an increase of 2%, equaling \$21.93, beginning the first full pay period in fiscal year 2021, Monday June 1st, 2020.

Moved by Trustee Gratto Seconded by Trustee Sanders

Ayes: 4 Nays: 1 (Higginbotham) Carried

RES 2020-05-06.27: GENERAL LABOR

Motion to accept the reinstatement of seasonal employees Gary Emory, John Swabik, and Chance Meeder at a rate of \$11.80 / hr.

Moved by Trustee Ayers Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Abstain: 1 (Meeder) Carried

RES 2020-05-06.28: PUBLIC HEARING

Motion to schedule a Public Hearing on June 3rd, 2020, at 6pm, by online conference to present the Consolidated Funding Application (CFA) items due in July, including but not limited to the Green Innovation Grant Program (GIGP) and CDBG; for the Clerk-Treasurer to post it accordingly.

Moved by Trustee Ayers Seconded by Trustee Higginbotham

Ayes: 5 Nays: 0 Carried

Motion to adjourn at 7:42 p.m.

Moved by Trustee Ayers Seconded by Trustee Gratto

Ayes: 5 Nays: 0 Carried

Respectfully submitted

Jeanette Ramm

Clerk-Treasurer