

VILLAGE OF SHERMAN
**MINUTES OF THE PUBLIC HEARING OF THE FRANCHISE AGREEMENT
AND THE SPECIAL MEETING OF THE BOARD**
Wednesday, November 18th, 2020 at 6:00pm

Mayor Meeder welcomed everyone and opened the meeting with the pledge of allegiance. Board members Colleen Meeder, Donna Higginbotham, Ryan Sanders, and Dennis Watson; Clerk-Treasurer Jeanette Ramm, and resident Gary Emory were present. Chief Operator, Jay Irwin was called away, and Trustee Kirk Ayers was working and sent his apologies.

Motion to suspend the meeting and enter into the meeting of the Public Hearing.

Moved by Trustee Higginbotham Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

PUBLIC HEARING

**CABLE FRANCHISE AGREEMENT w/ CHARTER COMMUNICATIONS
FOR A PERIOD OF 10 YEARS**

This agreement has been in place for many decades, although it has changed names a few times. The Village of Mayville is acting as the Lead Agency for this franchise agreement. The agreement is for ten years and we will be paid 5% of the gross annual revenue which is the same as our previous agreement. This amount can vary since it is 5% of their gross annual revenue, which is not a set number, but we expect the 5% to be approximately \$6,900 per annum. During the questions and comments portion of the meeting the mayor explained that the main difference with the new agreement is how the money is paid to the Village. Previously it was paid annually, but now it will be broken down into quarterly payments. Since this agreement has been in place for many years there were no concerns.

END OF PUBLIC HEARING

Motion to end the public hearing and enter into the special meeting of the Village Board.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2020-11-18.1: CABLE FRANCHISE AGREEMENT

Motion to approve the cable franchise agreement with Charter Communications, as part of a multi-municipal cooperative agreement to renew the existing contract; with the Village of Mayville acting as lead agency:

In the matter of the granting of a Cable Television Franchise held by Spectrum Northeast, LLC in the Village of Sherman, County of Chautauqua, New York.

RESOLUTION - An application has been duly made to the Board of the **Village of Sherman**, County of Chautauqua, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of the State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter’s cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Sherman, New York on November 18th, 2020, at 6:00P.M. and notice of the hearing was published in the Post Journal on November 11, 2020.

NOW, THEREFORE, the Board of the Village of Sherman finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal, and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the **Village of Sherman** hereby grants the cable television franchise of **Spectrum Northeast, LLC** and the Village of Sherman for ten (10) years commencing with the date of approval by the Public Services Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Village of Sherman hereby confirms acceptance of this franchise renewal agreement.

The foregoing having received the following vote:

Mayor Meeder	<u>AYE</u>
Trustee Higginbotham	<u>AYE</u>
Trustee Ayers	<u>ABENT</u>
Trustee Sanders	<u>AYE</u>
Trustee Watson	<u>AYE</u>

was thereby declared adopted.

Date: 11/18/2020

JEANETTE RAMM
Village of Sherman Clerk

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2020-11-18.2: TRUCK BID ACCEPTANCE

Motion to accept the \$20,300 bid for the sale of the surplus 2014 F350 truck.

Moved by Trustee Watson Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

The mayor explained to the board members why the USDA said it was better to put the Loader out for bid, rather than simply trade it in. As part of our due diligence in getting the most revenue from the sale of the loader, we could not simply trade it in because the loader was valued between \$80,000 and \$90,000, while the trade in value was \$60,000.

RES 2020-11-18.3: LOADER BID – COUNTEROFFER

Motion to counter offer \$65,000 for the sale of the surplus 2015 Case loader through Auction International, and authorize the mayor to accept the final price of \$65,000.

Moved by Trustee Watson Seconded by Trustee Higginbotham

Ayes: 4 Nays: 0 Carried

NOTICE: USDA-RD APPLICATION

The Village of Sherman intends to file an application for funding consideration of A Comprehensive Stormwater Management Project with the USDA, Rural Development. The Project would consist of installing stormwater management retrofits and green infrastructure practices along portions of the Main Street business district such as porous pavement sidewalks, permeable asphalt parking, and bioretention areas; drainage improvements with porous pavement shoulders along Park Street adjacent to the high school athletic fields; and site/easement acquisitions for construction of three stormwater detention areas and related site improvements, furnishings, fixtures, equipment and other improvements incidental thereto generally north of the Village center and High School between Kendrick Street and Kipp Street.

RES 2020-11-18.4: UDSA RD APPLY – STORMWATER PROJECT

Motion to post a notice in the Post Journal of the Village of Sherman’s intent to submit an application to USDA RD to secure the long-term debt portion of the Stormwater Project.

Moved by Trustee Higginbotham Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Due to the recent increase in COVID-19 cases recently it was decided that the next board meeting (December 2nd, 2020) will be held remotely via Zoom. Any member of the public can join the meeting remotely via Zoom and notices will be put up at the post office, on the website at www.shermanny.org and at the Village office.

Motion to adjourn the meeting at 6:37p.m.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

Respectfully submitted
Jeanette Ramm
Village Clerk-Treasurer

Next Meeting via Zoom: Wednesday, December 2nd, 2020 Regular Meeting of the Board