

VILLAGE OF SHERMAN
PUBLIC HEARING OF THE MUNICIPAL ZONING BOARD
AND REGULAR BOARD MEETING
Wednesday, June 5th, 2019 at 6pm

Mayor Meeder brought the meeting to order and opened with the pledge of allegiance. Board members Meeder, Gratto, Higginbotham and Ayers, Clerk-Treasurer, DPW Superintendent, Chief Wastewater Operator, Press and twenty-four members of the public were in attendance.

RES 2019-06-05.1: MINUTES

Motion to accept the previous minutes of the Regular Board Meeting, Annual Reorganizational Meeting, and the Meeting of the Municipal Zoning Board held on May 1st, 2019.

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 4

Nays: 0

The mayor introduced Marty Proctor and gave him the floor. Mr. Proctor said that he was the newly appointed County Legislator for District 18 which is Mina, Sherman and Chautauqua. He explained that he was appointed to fill the term of the late David Himelein. He said if anyone has county issues, they can find his information on the county website (<http://www.co.chautauqua.ny.us>).

RES 2019-06-05.2:

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

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 4

Nays: 0

Trustee Reyda joined the meeting.

MUNICIPAL ZONING BOARD MEETING

**PUBLIC HEARING ON PROPERTY MAINTENANCE CONCERNS,
SPECIAL USE AND AREA VARIANCE REQUESTS**

Greg Gormley, the Zoning Enforcement Officer, told the board that Neil Miller is applying for a special use permit for his pallet shop. His original hours were Monday–Friday from 7am-4pm but his operation is expanding, and he needs more operating hours. Mr. Gormley said Mr. Miller is requesting summer working hours from 6:00am-8:00pm to which April Kelley immediately objected. Mr. Gormley said that Mr. Miller is willing to work with the hours. He could reduce the weekdays, and Saturdays, and would then need permission from the ZEO or CEO to work longer hours for any reason. His request for winter hours is 6am-6pm, and Saturdays. Mr. Gormley added that Mrs. Kelley has complained about the noise which Mr. Gormley tried to address with Mr. Miller over the last month. He closed the doors which he does in the winter months and this does alleviate the sound issue, but with the warmer weather it's just too hot inside. It was suggested to try stacking pallets in front of the open doors to muffle the sound. The delivery trucks have been turning off their engines in the early morning while they wait to be loaded, but this could be a problem in the colder months with diesel trucks. A future solution is that Mr. Miller wants to expand his current building

and get a new machine (automatic nail gun) which would be faster and quieter. Mr. Gormley also recommended not allowing work on national holidays, for example, Memorial Day.

The mayor opened the floor to the residents giving each person 2-3 minutes. April Kelley, the neighbor directly across the road from the pallet shop, stated that she constantly has a headache because of the noise from the pallet shop. She claims having experienced hearing loss due to the constant noise. She stressed that giving Mr. Miller longer hours is not acceptable. Mrs. Kelley, who has previously addressed the board about her problems with the pallet shop (Regular Board Meeting on October 3rd, 2018), offered to play recordings of the noise from her living room to prove her point. She explained that the noise is worse inside her house than outside. She reiterated that when he closes the doors in winter it makes a huge difference. Nina Coyle said although she enjoyed the sound of Mr. Miller's children, the sound from the pallet shop was a nuisance. She asked what difference it would make setting work hours since Mr. Miller has already been working longer hours than the original 7am-4pm? She also asked why he couldn't use his generator to run a fan in the barn so that the door can remain closed and help alleviate the noise. This constant noise has destroyed the tranquility of being home, even her guests complain. Her final complaint was about the semi trucks blocking the road in the mornings. Mayor Meeder clarified that we don't want to force people out of business, and both neighbors have noted an improvement. Mrs. Kelley added that Mr. Miller did close the door for four days, but then it ended. Closing the door makes a big difference but his improvements are always temporary. Mayor Meeder responded that the permit would need to be renewed every year, based on compliance with the zoning officer. In response to a comment on Mr. Miller not complying with the original hours, it was explained that in the past we did not have a Zoning Enforcement Officer and our CEO's were not local, limiting their responses. Mr. Gormley (ZEO) lives in the village, making him available when these situations come up. The mayor asked what particular times the neighbors were looking for. The board is here to mediate between the parties, within the law, and not to take sides. It is apparent that the real issue is the sound. Mike Przepiora added that he hears it all day at work and doesn't want to hear it until 8pm when he gets home. He said that he couldn't hear it in his house only in the backyard. Ms. Coyle said she can hear it when the windows are open. In response to a question by the mayor about employing more staff to get more done earlier during the day, Mr. Miller said he now has three employees but couldn't foresee hiring more at this time. He is getting a new automatic nail gun which will be faster and quieter, and with his additions he will move the door to the end which should also help. Jim Mayshark suggested Mr. Miller keep the door closed and install windows to allow for ventilation until the additions are complete. Mr. Przepiora suggested a wall higher than the doors be placed in front of the doors.

Ms. Coyle noted that if she'd been asked, she would have said no to the pallet shop, April Kelley concurred. But it was explained that the business did not require a special use permit initially and Mr. Miller's property, although surrounded by residential properties, is zoned rural residential (R2) which is the most lenient and favorable to agricultural and limited general industry (light industrial). Ms. Coyle said that in her 17 years living there they have had different farmers using tractors and farm equipment, but this constant noise is intolerable. In response to a question about decibels Mayor Meeder said that the village has no law in place and New York State has no restriction until 11pm. Although we want to make everyone happy, we cannot please everybody. She asked what everyone is looking for right now. What hours of operation can we agree on that the neighbors can cope with? Mrs. Kelley was not happy with a starting time of 6am, but the majority of the residents were in favor, being early workers themselves. Mr. Crane asked if putting in a door facing the field would help. Bill Delcamp suggested moving the machine to change the direction of the sound. Trustee Gratto asked if the hours worked would matter if the sound issue was sorted. Most people agreed it would not. Trustee Higginbotham suggested planting tall trees or shrubs. The mayor reminded everyone that Mr. Miller intends to restructure and expand his workshop between January and March, at which time he will try to better situate the doors and windows. We need a

temporary solution until Mr. Miller can get this done. Trustee Reyda said that a sure way to mitigate the noise would be for the pallet shop to move out of the village. Mrs. Kelley agreed, although the general consensus was not to force the business out of the village. In response to the noise complaints Trustee Ayers mentioned that the Dollar General has trucks delivering until 11pm and he hears traffic coming and going every day including Sundays.

The mayor summarized that Mr. Miller has purchased the property and cleaned it up and intends on investing more into the property. He was given permission to begin his business which is growing, and he is employing people. Mr. Delcamp added that Sherman is dying, and we should not be chasing businesses out, to which he received a round of applause. He said we need to welcome new folk into the area and not be so stuck in our old ways and mentality. After more discussion Mr. Miller said he could move out of the village. The overall response was in favor of Mr. Miller staying. The residents want his business to remain and grow here. Mayor Meeder stated that we just need to find a way for the two families on Kipp Street to get through the noise until next year when Mr. Miller plans to start his improvements. Residents muttered about having to listen to loud motorcycles, race cars and dogs, etc. but Mrs. Kelley said those were not constant and so didn't compare. Mr. Crane suggested trying the suggested wall of pallets in front of the doors. Bill Kelley said he has been sleeping in his garage, now staying out of town so he can sleep but this is not his concern. His real concern is how the pallet shop noise is affecting his wife. She is at her limit. Mr. Kelley asked Mr. Miller exactly what he intends to do. Mr. Miller said extend the building north and have a door facing west (the road) which will only be open when a truck is there loading pallets. The existing door cannot stay closed or his workers will quit. Mrs. Kelley again asked why he can't get an air conditioner or fan to cool the building so that the door can remain closed. She had to because she can't open her windows anymore. Mr. Kelley agreed that the wall of pallets was worth trying. Mr. Crane said it would only take a few days to know whether this idea is working. Mr. Przepiora suggested staggering the pallets. Mayor Meeder said we couldn't finalize anything at this meeting, but she wanted the trustees to investigate for themselves, and allow Mr. Gormley and Mr. Crane to see if a temporary solution can be found. Trustee Gratto reiterated that the sound is the real issue which needs to be addressed, everything else is secondary. Mayor Meeder said that the sound issue isn't going to be solved in the next week, and Mr. Miller has urgent orders to fill which is why he's requesting the permit, so Trustee Gratto suggested we could call a special meeting. The next official meeting is July 10th which is more than a month away. Until a decision is made Mr. Miller will have to get permission to work longer hours when needed.

RES 2019-06-05.3: SPECIAL USE REQUEST FOR PALLET SHOP

a. Motion to accept the recommendations of the Zoning Enforcement Officer and to approve the Special Use Permit for the Miller Pallet Shop as long as the guidelines provided by the Zoning Enforcement Officer are followed. The Special Use Permit is to be reviewed and renewed annually. *(The cost for the Special Use Permit is \$50.00, renewable at the annual rate of \$30 or the rate of the fee schedule at that time.)*

b. Motion to table this resolution pending further investigation.

Moved by Trustee Ayers

Seconded by Trustee Gratto

Ayes: 5

Nays: 0

PERMITS & PROPERTY MAINTENANCE REPORT FROM ZONING OFFICER

Greg Gormley updated the board about the existing permits and some new permits, as well as informing them on all the current violations and his recommendations which are outlined in the motion below:

RES 2019-06-05.4: ZONING

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

Previous open cases now closed:

- Amanda Fuller, W Main St, closed, did not require Village action.
Officers will review on a monthly basis.
- Samantha Lasky, W Main St., closed, officers will continue to monitor.
- Aaron Milks, Kipp St., closed.
- Danny Fowler, Miller St., closed.
- Boyd Whitney, Kendrick St., closed – needs to update Special Use Permit.

Cases since opened and immediately closed:

- Ann Phelps, Park St., closed.
- Jeffery Lang, Kipp St., closed.
People asked about the trucks, his property is zoned commercial.
- Nick Bennett, Kipp St., closed.
- Napa Auto Parts, Main St, closed.

Cases currently open:

- Chandra Hannold, Cornish St., 2018 Jeff Messenger CEO put a Stop Work Order.
Zoning & Code Officers reviewing status of case.
Consider involving the health department.
- Kathryn Rowan / Russell Hayes, 119 Church St., clean up in process by resident or owner.
- Jeff Winton, 157 W Main St., making plans for improvement w/ Dave Heckman CEO.
- Scott Winton, Miller St., condemned, working w/ Dave Heckman CEO.
Has permission to mow the lawn.
- Sid Meeder, Willard St., new violations, & court appearance ticket issued for 6/18/19.
- Mayshark/Cettell, Main St., will be reviewed (remove gas cans).
- Arthur Martin home, E Main St., under tax foreclosure, auction 6/15/19.

New laws:

- Warning letters have been sent regarding dumpster with issues.
- Vacant properties registration notices will be sent in accordance with the law.
- Grass height, given rainy weather some consideration has been made, however, several will receive notice on violation of LL 3-2019.

Permits:

- Samuel Bender and Clark Issler came to agreement and a permit was issued for the garage.
- Follow up and compliance was brought in cases where roof's required permits.
- Several permits were issued for a roof, dumpster, porch, etc.
- Those commencing work without a required permit will receive notice.
- Inquiries into permits for sheds: any shed 144 sq ft or larger requires a permit, all sheds regardless of size are required to follow set back requirements; NYS regulation – CEO.

Moved by Trustee Higginbotham Seconded by Trustee Gratto

Ayes: 5

Nays: 0

RES 2019-06-05.5: PROPERTY CLEANUP

Motion to approve the cleanup of listed properties found in non-compliance after 6/30/19: The properties listed were first presented at the hearing held June 26th, 2018, with an additional hearing held May 1st, 2019 and continue to be unresolved:

Hannold – Some additional improvement, ZEO giving ‘til 6/30/19 to take action.

Kulpa – No improvement, extenuating circumstances, ZEO giving ‘til 6/30/19

Moved by Trustee Ayers

Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

Mr. Gormley reported that the neighbors have complained about the Dollar General’s fence because it has fallen over and is presently leaning against the neighbor’s tree. The fence is on the property line and is higher than the allowed 4’ and they don’t have any special permit or area variance. The Dollar General has also had issues with the roof leaking since the store opened, and the grass is in violation of Local Law 3-2019. Mr. Gormley has been in contact with Raymond Savage and has given him all the paperwork for the special use permit and area variance. He recommends that the Zoning Board of Appeals see that corrective action is taken. If the ZBA grants the variance Dave Heckman, the Code Enforcement Officer, will have to approve and sign off on any work completed to ensure that it is done correctly. If it isn’t done correctly it will need to be redone. Mayor Meeder added that we are grateful to have the Dollar General, but it is the first thing you see as you come into Sherman and so they need to correct the fencing and maintain their property.

RES 2019-06-05.6: ZBA – SPECIAL USE & AREA VARIANCE FOR DOLLAR GENERAL

Motion to send the Dollar General’s case regarding the need for special use permit and an area variance to the Zoning Board of Appeals, required for a fence above 4’ and within 2’ of property line, respectively. The Dollar General had not received a building permit to put in the existing fence that exceeds the limits of height and setback from the property line, as per LL 1-2009 Sherman Zoning Law, Section 616. The fence is in disrepair and the Village Board recommends the ZBA see that corrective action is sought.

Moved by Trustee Ayers

Seconded by Trustee Gratto

Ayes: 5

Nays: 0

RES 2019-06-05.7: ZONING BOARD OF APPEALS PUBLIC HEARING

Motion to publish the Public Notice of the Zoning Board of Appeals public hearing for June 20th, at 6pm, for the purposes of reviewing the variance and special use requests submitted by Jerry King and the Dollar General.

Moved by Trustee Gratto

Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

RES 2019-06-05.8

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: 5

Nays: 0

REGULAR MEETING OF THE BOARD

MAYORAL ADDRESS

The Village of Sherman and Sherman Central School will recognize Geraldine Robson's 40 years of service as the crossing guard at Sherman Central, as an employee of the Village of Sherman. Geraldine will be recognized at the SCS Graduation on June 28th at 6:30pm.

The mayor noted that the Mayshark Millworks building on Main Street is set for auction on Thursday, June 20th. It's almost a 10 thousand square foot building with a great deal of history. More information can be found on the front of the building. The building is historical to this community, but unclear if it meets the criteria to be listed as historical. As part of our comprehensive plan we can look at which buildings are historical.

With regards to our Sewer Project, Mayor Meeder said she has been working with Charlie Philion, Community Development Block Grant (CDBG) coordinator, to ensure we meet all the requirements and have everything ready to file for funding. Their funding is almost one million dollars which we will apply for in July 2020. Mr. Philion says the CDBG likes "shovel ready" projects and will require us to have bond counsel (RES 2019-05-01.37) and a fiscal advisor.

Kelly Latham, who comes highly recommended, is the fiscal advisor the mayor has been working with. The fiscal advisor will assist with the reporting requirements i.e. reporting to get the grants, managing the grants, and continually submitting the monthly and quarterly reports as the project progresses. We will be looking at a contract somewhere between \$15k-\$20k in total for the duration of the project. Mayor Meeder said she wanted to have a fiscal advisor appointed by August.

The USDA RD (Rural Development) will supply the bulk of our loan. Brenda Smith (USDA RD) anticipates knowing the amount we will be awarded by August of this year. Ms. Smith is part of our final approval on what amounts we get in grants and loans, also taking into consideration what funding we get from the EFC (Environmental Facilities Corporation) and WIIA (Water Infrastructure Improvement Act). WIIA awards 25% of the net cost, but there are a lot more requirements. Mayor Meeder concluded by explaining how grant stacking and bond anticipation notes work to meet our short-term needs, then finally one large bond to cover them all, which is why the bond counsel and fiscal advisor are so important. Having said all this we anticipate physically breaking ground in the spring of 2021.

Mayor Meeder handed out reports on the final cash balances as of the fiscal year end 5/31/2019 (attached at end of minutes). She explained each line highlighting that all our liquid assets amount to \$224,293.30 compared to the previous year of \$152,535.94. The Village fund balance totals at \$224,685.39 compared to last years' \$122,265.20 (as per our AUD). Every year we try put about \$16,000 into the fire reserve for a new truck, so that is on track. The \$30,000 in the general fund is going to be used for roads (i.e. it will become part of this year's budget for streets). What is exciting is that water and sewer are becoming self-sustaining, and sewer is starting to payback the general fund for the internal loan for the DIP system.

The public each received a copy and was given an opportunity to ask questions about the financials.

There are invoices for signage with the vouchers but are not for "the village". The "Village of Sherman" signs will wait until the Climate Smart Comprehensive Plan is done. The voucher for the Nature Trail Sign is divided into two portions. The Rosie Billquist portion (\$1790) is going to be covered by Rails to Trails, while the Sheldon French Creek Park portion (\$570) is being covered by the village. The signs from Triple E are for the Wastewater Treatment Plant; replacing the dog park sign; "poop and scoop" signs for both parks and CSP championship signs. We are also looking at a sign for the food pantry but will wait for things to settle with the pantry first.

PUBLIC PARTICIPATION

Mike Zemcik asked when First Street was going to have the water lines done and the road paved. Mayor Meeder said that we share services and depend on the towns to complete our roads. We have to coordinate with the different towns. Mr. Crane added that the rain had delayed work by a month, but if the weather was good Klondyke and Willard would be paved on Monday. First street is set to be completed this summer. Dawn Zemcik asked when her driveway is going to be black topped, and Mr. Crane explained that until the water lines are complete, black topping would be a waste as it would need to be dug up again for the lines. The mayor added that there is a list of people waiting for projects to be completed which is why she has told Mr. Crane his time can only be spent on streets, water lines and sidewalks. We have other employees putting up flags, mowing grass and collection garbage, etc. There is a list of projects that we are trying to work on. People don't understand that Mr. Crane still has to physically read the water meters, check and approve his department's vouchers and complete his paperwork and reports within their deadlines. He is also meeting with engineers about our water and stormwater study.

Mayor Meeder responded to people grumbling about the new village employees. She told everyone that Gabriel Rater had opted not to be paid, but rather to volunteer his services. Rebecca Ramm had earned \$189 to-date painting Main Street, and Martha Gratto had earned \$312 for landscaping in front of the Yorker Museum and around the pavilion, and she has already made a distinct difference. In response to another question about why we need all these employees, when previously we only had two employees do it, Mayor Meeder reminded everyone that the last half hour was spent complaining about the many things that are not being finished. We do not want Doug Crane picking up recycling when he could be putting in sidewalks. We would rather pay someone minimum wage or \$12/hour, once a week to collect garbage. Not Mr. Crane, whose time is better spent on the bigger projects.

We all want things to get done, and fund balances also play a role. Streets cannot be upgraded if the money in the general fund is subsidizing sewer, which was in the hole. Water was just getting by, but that means no extra money for new meters and water lines. The funds are just getting to a place where these projects can be funded.

Trustee Higginbotham read a letter from Russell Weise, see attached letter and Mayor's written response attached.

A question was asked about why First Street still isn't finished, when it was minuted as being the first street to be worked on. Firstly, the water lines need to be finished before the black top can be laid. And secondly, the minutes misconstrued the work being assigned which was millings, not black top. With regards to water, there are inconsistencies, so we want to have all the meters replaced as soon as possible. This will reduce hours spent physically reading water meters and residents will be able to monitor their own water usage.

WATER AND STREETS REPORTS FROM DPW SUPERINTENDENT

Klondyke, Willard, First, and Edmunds Streets are estimated to cost \$110,000 with a minimum of 3" of binder and 1" of F7 top. These are recorded as 20-year capital improvement projects, requiring additional sealing and routine maintenance. Mr. Crane said they have been working on sidewalks and working on the new truck which will house all the tools. Whether installing a meter, cutting down a tree or putting in water lines, having all the gear and tools together in one vehicle will save time. The truck will also be used for collecting garbage. Mr. Crane also reported that the building has been cleared behind the office and a few more meters have been installed. The issue with the endpoints on the water meters has also been resolved.

Flushing dates will be posted in a newsletter.

SEWER REPORT FROM CHIEF SEWER OPERATOR

Mr. Irwin reported that the blockage (near Joyce Ayers' house) caused by the manhole that was knocked off, has been cleared and fixed, and the manhole replaced. He spoke about raising the manholes on Klondyke and Edmunds. Mr. Irwin also reported that because the drive unit was going to cost \$13,000 to repair, he was going to pick it up and work on it himself. A brand new one costs \$18,000 so it doesn't make sense to repair it since we will replace in two years.

Mr. Irwin just wanted it clearly recorded in the minutes that he is properly licensed and certified to run the Wastewater Treatment Plant and has been certified as a 2A operator for over a decade. (Mr. Irwin is also serving as the Chief Operator for the Village of Little Valley.)

Mr. Irwin cannot legally be certified as a 3A operator unless he works at a 3A plant for a year and a half. Paul Fisher is a licensed 3A operator, and *in the event the Village would ever need to upgrade to a 3A plant* the Village Trustees requested that Paul Fisher maintain his certification as a 3A operator at the expense of the Village of Sherman. The mayor is grateful to Paul for investing the time to extend his licensure knowing what short supply there is of certified and experienced operators.

Sewer Project Schedule:

2019 – July... appoint fiscal advisor (anticipate \$18,000 in budget over 3-4 yr project)
2019 – August... receive letter from USDA-RD (Grant Award and Loan Provider)
2019 – Sept /Oct... meet w/ Charlie Phillion of CDBG
2019 – Nov/Dec... contract engineers
2020 – July... application due for CDBG - Community Development Block Grant \$1,000,000
WIIA - Water Infrastructure Improvement Act – 25% of Net Cost
EFC – Environmental Facilities Corporation
After receiving CDBG Grant Award – *then* Construction can begin
2021 – Spring Going out for bids and... **BREAKING GROUND**
Total engineering, bond counsel, fiscal advisement, & construction will be bonded long term

FINANCIAL REPORT FROM CLERK-TREASURER:

General Checking Account: Balance (06/05/2019) is \$18,576.63 – book balance (\$22,282.65)
Special Bank Account: Balance (06/05/2019) is \$2,500.00 – book balance (\$200.00)
CD Account: Balance (06/05/2019) is A\$112, 256.54, B\$105,000.00
CD Transfer: N/A
Unpaid Taxes N/A
Account Adjustments: #295 for \$107.80 and #283 for \$130 plus penalty

RES 2019-06-05.9: VOUCHER

Motion to approve Voucher #1 for \$54,903.84 as presented for May 2019, of which \$2,700 was from the NYS Special Fund.

Moved by Trustee Gratto

Seconded by Trustee Ayers

Ayes: 5

Nays: 0

RES 2019-06-05.10: WATER PENALTY ADJUSTMENTS #283 and #295

A request was made by Account #283 for \$130 plus penalty forgiveness for a previous EDU charge they were unaware of as new owners and had not notified the Village of Sherman of the mailing address. The Village Board is unable to approve any refund or credit toward the previously billed charges. This is not only in compliance with the law but the oversight of the NY Office of the State Comptroller. There is no foundation for the Village to refund the base EDU charge. The law expresses that it is the responsibility of the homeowner to know and anticipate the public utility billing, in that “failure of consumer to receive a bill promptly shall not excuse non-payment of the same”.

Motion to approve the removal of penalties to account number 295 while it was in question during the previous periods of 8/29/2018 and 12/04/2018, for a total of \$107.80.

Moved by Trustee Gratto

Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

RES 2019-06-05.11: TAX WARRANT ADJUSTMENTS

Motion to accept the Village of Sherman Tax Warrant adjustments from the Chautauqua County Real Property Tax Clerk’s Office, removing W&S Base charges for properties 328.06-2-22, 328.06-2-23, and 328.07-2-43, due to merging of properties, and removing the re-levied unpaid invoice #17016 for refuse bags on property 328.11-2-14, as it has been paid by money order. These adjustments total an \$885 reduction to the total tax warrant. The total tax warrant as amended and certified by the Clerk-Treasurer on 5-15-19 is \$248,787.00.

Moved by Trustee Higginbotham

Seconded by Trustee Ayers

Ayes: 5

Nays: 0

RES 2019-06-05.12: RESCIND RES 2019-05-01.32 Re: REFUND

Motion to rescind RES 2019-05-01.32 to refund Ryan Sanders for the ¼ Water & Sewer Base amount \$195, as it was corrected by the 05-15-19 Tax Warrant Adjustment.

Moved by Trustee Gratto

Seconded by Trustee Ayers

Ayes: 5

Nays: 0

RES 2019-06-05.13: RESCIND RES 2019-05-01.33 Re: LOAN PRINCIPAL PAYMENT

Motion to rescind RES 2019-05-01.33 to make two payments totaling \$40,900 on the USDA RD loan for the loader, and approve the single payment of \$15,900 in principal, #16212, 5/30/19.

(Note: voided Ck# 16196 for \$25,900 dated 5/1/2019).

Moved by Trustee Reyda

Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

OLD BUSINESS:

July – Appointment of Planning Board Members and Fiscal Advisor

NEW BUSINESS:

RES 2019-06-05.14: SEQR – WWTP BOND RESOLUTION CERTIFICATION

Motion to accept the Clerk-Treasurer's certification of the Bond Resolution adopted by the Village Board **RES 2019-05-01.38**, subject to permissive referendum. Following the legal publication on May 4th, 2019, in the Post Journal, and the May 3rd, 2019, posting of notices in 6 public places within the Village of Sherman, no valid petition for a permissive referendum was submitted and filed with the Village and the period of time for such submission and filing has elapsed.

Moved by Trustee Gratto Seconded by Trustee Reyda

Ayes: 5

Nays: 0

RES 2019-06-05.15: SHARED MUNICIPAL SERVICES w/VILLAGE of LITTLE VALLEY

Motion to approve the Mayor to enter into an intermunicipal agreement with the Village of Little Valley to offer the time and human resources of our Chief Sewer Operator to cover the level 2 wastewater treatment plant.

- The Village of Little Valley will provide \$50 remuneration to the Village of Sherman for every hour of the Chief Operators time allocated to the Village of Little Valley, and they will provide \$50 per day for mileage reimbursement.
- Remuneration charge was calculated on hourly wage, taxes, paid time off, continuing education hours, annual education requirements, and benefits including retirement, healthcare, disability and workers compensation, along with cell phone reimbursement.
- Jay Irwin, Chief Operator, is the employee of the Village of Sherman, to be paid and receive benefits and reimbursements accordingly.
- The Village of Little Valley was provided Jay Irwin's 2A Operator Certification, a Certificate of Insurance, and a Certificate of Workers Compensation Insurance.

The Board accepts an additional \$9.00/hr wage will be applicable to all Wastewater Administration provided to the Village of Little Valley by the Chief Operator, effective 5/15/2019.

Moved by Trustee Ayers Seconded by Trustee Gratto

Ayes: 5

Nays: 0

RES 2019-06-05.16: WORK ORDER FOR KLONDYKE ROAD

Motion to approve the work order for Klondyke Road with a minimum of 3" binder application and 1" F7 top.

Moved by Trustee Ayers Seconded by Trustee Higginbotham

Ayes: 5

Nays: 0

RES 2019-06-05.17: SWAN PROPERTY

Motion to approve the purchase of land from Jason and Jamie Swan for \$6,000 for sewer property. The Village will incur all costs related to the transfer of the property, including the title search, survey, and filing of changes with the County, as conducted by village attorney.

Moved by Trustee Gratto Seconded by Trustee Ayers

Ayes: 3

Nays: 1 Trustee Reyda

Trustee Higginbotham abstained.

