

**Village of Sherman –Regular Board Meeting**  
**Village Office-111 Mill St**  
**October 5, 2016**

Present: Trustees: Gratto, Reyda, Higginbotham and Mayor Patterson  
 Others: Jay Irwin, Doug Crane, Clerk Ramm, Charles Raven, Jim Higginbotham, Todd Thomas, Joe Niezgoda, Kevin Cole and David Prenatt

Mayor Patterson called the meeting to order at 7:00 pm.

**RESOLUTION #1:** On motion made by Trustee Gratto and seconded by Trustee Higginbotham to accept September 7<sup>th</sup>, 2016 Board meeting minutes as submitted.

AYES: All

NAYES: 0

Due to the guests present it was decided to begin with new business relevant to them.

**NEW BUSINESS:**

**EUCLID INSURANCE:** Joe Niezgoda presented his insurance proposal which has a minimal premium increase but is substantially less than what we were paying with Trident. The Trustees were favorable, agreed to look over the information and vote on it next meeting.

**LEGAL REPRESENTATION:** Todd Thomas, the Village’s new legal representative, introduced himself and gave an overview of his services and expertise. He also stated that he is familiarizing himself with the laws and regulations of Dissolution.

**RAVEN AGREEMENT:** Charles Raven apologized for not being present at the previous meeting. He explained that he couldn’t sign the agreement because it still contained the word “free” which was the reason the contract was initially negated. The contract needed to read “in exchange for use of the right of way” instead of “free”. Mr. Raven agreed to the \$30 and \$5 ready to serve charges. He also wanted the contract to apply to anyone buying the property, not just family members and felt the contract should go on continuously with no expiration date as per the original deeds, not the signed contract.

Doug Crane suggested we buy the property and resolve this issue. Mayor Patterson said since the contract is invalid we should investigate what other options are available. He asked Mr. Raven to bring all the documents into the office and Todd Thomas would review the information and have a new contract ready for the next Board Meeting.

**JAY**

- The valves came in and we have already installed the first four meters.
- Still waiting to hear back from the USDA and the composting grants. Considering finding a new engineer because we have waited three months for him to complete two pages.

**DOUG**

- **STREETS** - we need to buy and install four drop inlets before the weather gets too bad. The streets are basically complete, and we’ll start picking up leaves as they start to fall.

- **WATER** - we fixed the leaks at Larry Fardink's which we ended up completely replacing along with the Ottoway's. Both are hooked up to the new system and complete.
- **METERS** – we've read the water meters. All the faulty ones will be replaced with new meters and we have the stock to do that. By the next Board meeting most should have been replaced.
- **ACCOUNTS** - there are some accounts that need adjustments:

**RESOLUTION #2:** On motion made by Trustee Reyda and seconded by Trustee Gratto to approve removing all penalties from Matthew Jenson's bill (3525), 108 E. Main Street, because the meter isn't working properly and it's still being investigated.

AYES: 3 Gratto, Reyda, Higginbotham

NAYES: 0

**RESOLUTION #3:** On motion made by Trustee Gratto and seconded by Trustee Reyda to approve writing off the outstanding amount from 2013 of \$460.91 for Mike Welder (bill 3064).

AYES: 3 Gratto, Higginbotham, Reyda

NAYES: 0

**RESOLUTION #4:** On motion made by Trustee Gratto and seconded by Trustee Higginbotham to approve adjusting the water and sewer amount on Samantha Duffley's account (bill 3307) and having the Montgomery's taxes adjusted accordingly.

AYES: 3 Reyda, Gratto, Higginbotham

NAYES: 0

Clerk Ramm is to submit all paperwork to have this amount corrected on the tax bill.

**RESOLUTION #5:** On motion made by Trustee Higginbotham and seconded by Trustee Gratto to approve writing off the amount of \$89.70 from 2013 for tenant Brenda Dekoning (bill 3009).

AYES: 3 Gratto, Higginbotham, Reyda

NAYES: 0

**RESOLUTION #6:** On motion made by Trustee Gratto and seconded by Trustee Reyda to approve forgiving the outstanding amount from 2014 of \$35.49 on Melvin Miller's bill (3305).

AYES: 3 Reyda, Higginbotham, Gratto

NAYES: 0

**RESOLUTION #7:** On motion made by Trustee Reyda and seconded by Trustee Higginbotham to approve reducing Denise Tewinkle's bill (3528) to \$35 - a third of her bill as she only benefited for one month of the quarter.

AYES: 3 Higginbotham, Reyda, Gratto

NAYES: 0

#### **CODE ENFORCEMENT:**

After discussion on the setback regulations, which is 35 feet in Sherman, Mayor Patterson asked the Clerk to call a meeting of the Zoning Board of Appeals so that he could apply for a variance.

**RESOLUTION #8:** On motion made by Trustee Higginbotham and seconded by Trustee Gratto to approve Voucher #5 submitted for \$10,177.91.

AYES: 3 Higginbotham, Gratto, Reyda  
 NAYES: 0

**CLERK**

CD Balance - \$174,524.97  
 Checking Account - \$62,975.56

Since the Town has the updated Federal and State Employee posters it was decided that the clerk would investigate whether or not the Village needed a set as well. We could possibly pay the Town a third of the cost as we do with other shared expenses.

**RESOLUTION #9:** On motion made by Trustee Gratto and seconded by Trustee Reyda to approve paying the overdue 2016 Worker's Compensation bill for \$2,734.21.

AYES: Unanimous  
 NAYES: 0

**RESOLUTION #10:** On motion made by Trustee Reyda and seconded by Trustee Gratto to approve paying Access Channel 5 their annual fee of \$250.

AYES: 3 Higginbotham, Gratto, Reyda  
 NAYES: 0

**NEW BUSINESS CONTINUED:**

**CHAMBER OF COMMERCE** - Mayor Patterson informed the Board that there have been instances of vandalism and petty theft around the Village but that he had already given Sheriff Gerace a letter giving them authority to make arrests or whatever they deem necessary. He also stated that the Chamber had arranged for Undersheriff Chuck Holder to present a Neighborhood Watch presentation. It is being held in the Fire Hall on Tuesday, October 13<sup>th</sup> and he wanted all the Board members to be there in support of this initiative.

**REGISTERING VEHICLES** – The Village vehicles are registered but never received license plates. The clerk will go to the DMV and sort this out.

**VILLAGE OFFICE SECURITY** – In light of the burglary at the Sherman Town Office it was decided that the Clerk would make electronic copies of all the minutes and other documents in the safe.

**DISSOLUTION PETITION** – We received the petition for the Dissolution of the Village of Sherman on September 23<sup>rd</sup>, 2016. There were 124 signatures and both the Mayor and the clerk have looked over it and found no concerns. There were three unfamiliar signatures we trust are in fact eligible voters, but the number of signatures is more than sufficient.

**RESOLUTION #11:** On motion made by Trustee Reyda and seconded by Trustee Higginbotham to accept the petition for the Dissolution of the Village of Sherman.

AYES: 3 Gratto, Reyda, Higginbotham  
 NAYES: 0

The next step is to set a date for the referendum. It has to be no sooner than 60 days and no later than 90 days from the acceptance of the petition. The Clerk will contact the Chautauqua County Board of Elections and confirm which date is available for their assistance – either December 6<sup>th</sup>, December 13<sup>th</sup> or December 20<sup>th</sup>. The Mayor had contacted Christopher Grant regarding finances available for these dissolution costs.

**RESOLUTION #12:** On motion made by Trustee Gratto and seconded by Trustee Higginbotham to approve having Halloween in the Village on Monday, October 31<sup>st</sup> from 5pm – 7pm.

AYES: 3 Gratto, Higginbotham, Reyda

NAYES: 0

**OTHER** - Mayor Patterson wanted to clarify his stand on the dissolution. This piece of legislation in the State Constitution is the most egregious misrepresentation of a democratic government. Where you can force something onto the Town's people and they have no vote on it. These are people who are trying to put kids through college, put food on the table, pay off their farms, etc. The Town includes farms from \$200,000 up to \$2million. Don't think their tax increase isn't going to hurt the Town. I think if we dissolve, the Villagers won't see a nickel of the \$75,000 kickback. I think the Town Supervisor will use that money to counter the 18% Town tax increase, and he can do that if he wants to. Establishing all the different districts is going to cost the Village tax payers more money and their taxes are going to creep up each year after that. They're mistaken if they think the Village Clerk's job can be covered by an extra 10 hours by the Town Clerk. If my salary is an issue, I'll work for a dollar. They estimated 43% tax savings, I think that estimate is unreasonable, but these savings will evaporate in two to four years. There'll be a decrease in Village services, Village taxes will increase, Water/Sewer rates will increase, as well as liability and personal services. This Village is approaching its 200th anniversary, when disasters happened in the past, they rebuilt. They didn't abandon the Village. If we were a larger municipality with a huge tax base we could do more things, faster. But we take care of everything in its priority. We have new equipment and good employees. This Village is working. After chatting with Marty Bova from Mayville, he agreed that we won't save money by dissolving but that we'd just have regrets in a few years. I don't think the dissolution is a good idea and I won't support it. If the people vote to dissolve, then let the tax payers have their way. I just want them to know why I'm taking the stand that I am.

Jim Higginbotham stated that he's going to talk with his vote.

Kevin Cole said we need to educate the Villagers, send out letters and have another meeting to discuss what is really going to happen. If we dissolve the Village will lose its state aid, after five years it'll all be gone. It'll all go to the Town. He highlighted that if we dissolve there's no zoning in the Town. People can put a trailer anywhere in the Village, or have a farm in the Village because the Village laws fall away after two years. I've been studying the State laws, and the dissolution is based on the assumption that the Town will do certain things, but there is no requirement for them to follow through. The Town can do away with services like plowing sidewalks or picking up garbage because they don't benefit. The Village people will have to pick up those costs. The Villagers lose their voice. We need to educate the Village people. It's not just about saving on your taxes for two or three years.

Mayor Patterson suggested meeting at the Firehall to let people voice their concerns before the

referendum. But we'll need more villagers than the last meeting. Mayor Patterson reminded us that Paul Bishop said there are 10,000 municipalities in New York and less than 10 dissolved. There must be good reason.

Trustee Higginbotham raised other issues

- Had a complaint about trash in front of Fred Fortune's house and complaints about unlicensed vehicles in the people's yards – she gave a list to Jeff Messenger who said there was a procedure but Trustee Higginbotham had no response yet. Mayor Patterson said he would speak to Mr. Messenger about these two issues.
- Danny Fowler is still waiting for the black top to be replaced. Mr. Crane said that it couldn't be repaired until the drop inlet was replaced, which is one of the inlets he mentioned earlier that he is going to replace before we can repair the black top.
- There's pothole at the end of Klondyke Road which you have to drive through to enter the gas station. Mr. Crane said he would take care of that.
- Hole at end of Leo Graczyk driveway. Mr. Crane said that if Mr. Graczyk purchases a new tube to replace the broken one under his driveway Mr. Crane would put the new tube in and repair the driveway.
- Cones at the end of Kendrik Street. Mr. Crane explained that the riser has broken off so the grate could not be put back, hence the cones. We either have to rebuild it or get a new riser with the new inlet, which we'll do before the bad weather.

**RESOLUTION #13** On motion made by Trustee Higginbotham and seconded by Trustee Gratto to move into executive session at 8:33pm.

AYES: 3 Higginbotham, Gratto, Reyda

NAYES: 0

**RESOLUTION #14** On motion made by Trustee Higginbotham and seconded by Trustee Gratto to exit executive session and adjourn regular board meeting at 8:42 pm.

AYES: 3

NAYES: 0

Respectfully submitted,  
 Jeanette Ramm  
 Clerk/Treasurer