

**REGULAR MEETING**  
**TOWN OF SHERMAN**  
**November 7, 2024**

A regular meeting of the town of Sherman Board was held on at the Town Office Building, 111A Mill St., Sherman, NY, Chautauqua County, New York at 7:00PM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/Deputy Supervisor
	Howard E. Crump	Council Member
	Brant Henning	Council Member
	Ben Nickerson	Council Member
	Annette Swan	Town Clerk
	Dennis Sweatman	Highway Superintendent

Absent:

Guests: Cindy Sears and Elizabeth Meeder from the Minerva Library.

Supervisor Persons called the meeting to order at 7:00PM and led the Pledge to the flag.

**Public Comment**

Cindy Sears and Elizabeth Meeder gave a report about the status of the Minerva Library, including improvements, grants and how they have been used, number of patrons that use the library, new books that have been added, and upcoming goals for next year. Improvements that are scheduled for next year include new carpeting, new lift, new shades for the windows and new thermostats for better efficient heating. They also reported how the basement level is being utilized for several local group meetings. Overall, they reported that many great things are happening at the library. Both ladies thanked the Town Board for their continued support.

**Public Hearing**

**Resolution #42**

Councilman Brant Henning made the motion seconded by Councilman Howard Crump to open the Public Hearing regarding **Local Law No.3-2024 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C.**

Supervisor Persons asked if there were any questions or comments regarding Local Law No. 3-2024. After discussion and no further questions/concerns:

**Resolution #43**

Councilman Brant Henning made the motion, seconded by Councilman Howard Crump to adopt Local Law No. 3-2024 and to close the Public Hearing.

Supervisor Mark Persons—AYE	Councilman Howard Crump – AYE
Councilman James Higginbotham—AYE	Councilman Brant Henning –AYE
Councilman Ben Nickerson –AYE	MOTION CARRIED

TOWN OF SHERMAN  
LOCAL LAW NO. 3 FOR THE YEAR 2024

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW SECTION 3-C

Be it enacted by the Town of Board of the Town of Sherman, County of Chautauqua, and State of New York, as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sherman, County of Chautauqua, pursuant to General Municipal Law § 3-c, and to allow the Town of Sherman, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Sherman, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

**Resolution # 44**

**APPROVAL OF MINUTES**

Councilman Ben Nickerson made the motion, seconded by Councilman Howard Crump to accept the minutes from the October board meeting.

Supervisor Mark Persons—AYE  
Councilman James Higginbotham—AYE  
Councilman Ben Nickerson —AYE

Councilman Howard Crump – AYE  
Councilman Brant Henning –AYE  
MOTION CARRIED

**RESOLUTION# 45**

**ABSTRACTS/CLAIMS**

Councilman James Higginbotham made the motion, seconded by Ben Nickerson to approve payment of General Claims 139 thru 154 in the amount of \$3,402.01 and Highway Claims 111 thru 124 in the amount of \$17,545.53.

Supervisor Mark Persons—AYE  
Councilman James Higginbotham—AYE  
Councilman Ben Nickerson —AYE

Councilman Howard Crump – AYE  
Councilman Brant Henning –AYE  
MOTION CARRIED

**JUDGE’S REPORT- no report**

**CLERK/REGISTRAR’S REPORT**

Marriage licenses for September- 2- Town share \$35.00.  
Dog Licenses for the month, there were 18 – town share is \$108.00.  
Hunting License sales for October \$1052.00 – town share is \$57.98.  
2 burials @ \$300.00 total.

Clerk Swan reported that Jacob Ames returned all baseball equipment from this year’s youth baseball program and he stated he did not want to be in charge of it next year.

**ASSESSOR’S REPORT**

November Assessor Report

- There were 3 deed transfers for the month of September.
- NYS has created and allows for city, town and villages to adopt an exemption for the construction or conversion of rental multiple dwellings located with a specific benefit area. To qualify, at least 25% of the units must meet affordability criteria as adopted by municipality. This exemption is Real Property Tax Law 241-p. Heather will update the board as she learns more about the pros/cons to the adoption of such exemption.
- All address changes that have been provided to Assessor Heather Young-Deyell through the school tax collection process have been updated and will appear on the 2025 town/county tax bills.

**CODE ENFORCEMENT REPORT- no report**

**HIGHWAY SUPERINTENDENT REPORT**

Superintendent Dennis Sweatman reported to the board the following:

- The repaving of the Town Highway parking lot was completed.

- Because of the new pavement in the parking lot, he would like to purchase a 2” fire hydrant to be placed at the back of the smaller garage building. This hydrant would allow the highway workers to keep the pavement cleaner. The plumbing for this hydrant already exists, so the only expense would be the hydrant and the hose needed to attach to it. Superintendent Sweatman spoke with Village Chief Wastewater Operator, Jay Irwin, and his department offered to pay for half of the hydrant and could purchase a hydrant for approximately \$1900.00.

**RESOLUTION #44**

Councilman James Higginbotham made a motion, seconded by Councilman Brant Henning to approve the purchase of a 2” fire hydrant in the amount of approximately \$1900.00 and split the cost with CWO Irwin.

Supervisor Mark Persons—AYE                      Councilman Howard Crump – AYE  
 Councilman James Higginbotham—AYE      Councilman Brant Henning –AYE  
 Councilman Ben Nickerson –AYE                      MOTION CARRIED

**RESOLUTION #45**

Councilman Brant Henning made a motion, seconded by Councilman Howard Crump to send a letter of permission to Paul Fardink, who is submitting an application for a Revolutionary War Marker to be placed in the Sherman Cemetery.

Supervisor Mark Persons—AYE                      Councilman Howard Crump – AYE  
 Councilman James Higginbotham—AYE      Councilman Brant Henning –AYE  
 Councilman Ben Nickerson –AYE                      MOTION CARRIED

**SUPERVISOR REPORT**

- The Town of Sherman’s bill to pay the New York State Retirement Invoice that is due in December, will total \$37,168.00 and will be included in December’s abstract.
- Supervisor Persons will be getting prices for posts and fencing for two 8 x 8 kennels to comply with the New York State Law that will take effect in 2025. This law is for housing dangerous dogs.

**RESOLUTION #46**

Councilman James Higginbotham made a motion, seconded by Councilman Howard Crump to adopt Local Law No. 3-2024 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C.

Supervisor Mark Persons—AYE                      Councilman Howard Crump – AYE  
 Councilman James Higginbotham—AYE      Councilman Brant Henning –AYE  
 Councilman Ben Nickerson –AYE

MOTION CARRIED

- Supervisor Persons reported to the board that he was contacted by a Wind Turbine company called Bedrock Renewables and that this company is interested in placing wind turbines in the town of Sherman, as well as a few neighboring townships. Supervisor Persons will be meeting with a representative on Wednesday, November 20 th. To prepare for the meeting, Supervisor Persons looked into the local laws pertaining to wind power and reported to the board that the current law is 16 years old and should be looked at to possibly update.

**RESOLUTION #47**

Councilman Brant Henning made a motion, seconded by Councilman Ben Nickerson to hold a public hearing in December about passing a moratorium on wind development, until the local law can be updated.

Supervisor Mark Persons—AYE  
Councilman James Higginbotham—AYE  
Councilman Ben Nickerson —AYE

Councilman Howard Crump – AYE  
Councilman Brant Henning –AYE  
MOTION CARRIED

- Supervisor Persons reported to the board a few changes that he had made to the Preliminary 2025 Budget. After discussion and review,

**RESOLUTION #48**

Councilman Brant Henning made a motion, seconded by Councilman Ben Nickerson to adopt the Town of Sherman Preliminary Budget as the Final Budget.

Supervisor Mark Persons—AYE  
Councilman James Higginbotham—AYE  
Councilman Ben Nickerson —AYE

Councilman Howard Crump – AYE  
Councilman Brant Henning –AYE  
MOTION CARRIED

With nothing further to discuss, Councilman James Higginbotham moved to adjourn the meeting

MEETING ADJOURNED AT 7:52 PM.

Respectfully Submitted,

Annette Swan  
Sherman Town Clerk