

VILLAGE OF SHERMAN

MINUTES OF THE REGULAR MEETING OF THE BOARD & MEETING OF THE MUNICIPAL ZONING BOARD

Wednesday, January 12th, 2022

At 5pm Mayor Meeder presented the “State of the Village” – a report by the chief executive officer on the current conditions of the Village of Sherman. The address was presented in person to residents at the Village Office and via Zoom. There was one resident in attendance and two via Zoom. This presentation is available on the website at www.shermanny.org/state-of-the-village

The Regular Meeting of the Board followed the address at 6pm. Mayor Meeder opened the meeting with the Pledge of Allegiance. Board members Colleen Meeder, Ryan Sanders, Dennis Watson and Gary Emory, Clerk-Treasurer Jeanette Ramm, Chief Operator Jay Irwin, Resident Chris Labuskes, County Legislator Marty Proctor were in attendance, and Resident Kristen Irwin and the press joined the meeting via Zoom.

RES 2022-01-12.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held December 8th, 2021.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.2: TRUSTEE RESIGNATION, KIRK AYERS

Motion to accept the letter of resignation from Trustee Kirk Ayers dated and received Friday, December 31, 2021, effective immediately, whose term is ending Monday, December 1, 2025.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

To Whom It May Concern:

This letter will serve as my notice of resignation from the board of trustees for the Village Of Sherman. As most of you know, we have sold our home in the village and no longer own property here. I would like to say thank you to the village board, mayor Meeder, and all of the village employees that serve our village. Please know it has been my privilege to serve our community alongside you all. Thinking about all the changes coming to the village, I am thankful to have had some part in it all. Even upon leaving, I'm excited to see what is next to come. Thank you to our village for allowing me this opportunity to serve.

To the community of Sherman, I encourage you to be involved and informed as to what is happening each month and possibly attend the meetings when you can.

Respectfully:

Kirk Ayers

12/31/2021

MUNICIPAL ZONING BOARD MEETING:

No New Business for the Municipal Zoning Board Meeting

REGULAR BOARD MEETING:

ZONING / CODE / GENERAL ENFORCEMENT

- Mr. Gormley signed the Town of Sherman's Asbestos Project Notification Fee Waiver Request & Certification, saving the Town a few thousand dollars.

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

- **SEWER** – Kyle is registered for his last three classes, which will be done virtually.
- **WATER** – the Village received a letter regarding a hole left at 110 Cornish Street during the water project, this hole was left temporarily open for the water department to access; the enforcement officer said the temporary fence the water department placed around the hole is appropriate until the water department is finished with their need for access.
- **STREETS** – there are still a few incandescent light bulbs that need to be replaced by LED.
- **STORMWATER** – Mayor Meeder reviewed the pamphlet which was sent out to all the Village residents with their last water and sewer bills.

GRANT APPLICATION UPDATES

Update on Consolidated Funding Application (CFA):

GIGP – Main Street Stormwater Project (EFC - Green Innovation Grant Program) was NOT awarded to the Village of Sherman; the Village is meeting with the EFC on January 24, 2022 to discuss the 2021 application and the recommendation for a 2022 application in July. There were four times the request than funding available in the recent round.

Update on other Grant Funding Applications (non-CFA):

EV Charging Stations – awaiting final execution by NYSOSC

Status of Outstanding Grant Applications (non-CFA):

RBDG – Rural Business Development Grant was awarded in 9/2021 in the amount of \$16,000. The total for the project is \$19,038, which includes the Village match of \$3,038. This project is in support of local businesses for signs off the Clymer-Sherman Road and 10 mobile signs and a trailer.

CAPITAL PROJECT UPDATES

COMPREHENSIVE PLAN

- **NYMS-TA - [Downtown Feasibility Study](#)**
Clinton Brown continues to meet with businesses on the building surveys and estimates and is hoping to present something in the next couple of months.
- **CDBG-Community Planning - [Downtown Market Analysis](#)**
Alexandra and Tom from Camoin Associates met with the Steering Committee on Monday January 10th, at 6pm, to begin the Market Analysis for the Village of Sherman. They will help direct Camoin in prioritizing three locations to identify opportunities and potential redevelopment scenarios that include building rehabilitation OR new construction (with cost estimates & financial feasibility assessment). They'll prepare conceptual site plans attracting

viable projects for investors, developers, and banks. - Along with realtors, CCIDA and other interested parties.

SEWER

- The Pre-Construction Meeting was held with H&K Services, BECC Electric, and Allied Mechanical. Construction is planned to start in March or April.

WATER

- Work has slowed through the season, but still continues at the Hart Street site.

COMMITTEE UPDATES

- **Edmunds Park Committee** - The Edmunds Park Committee has received another \$15,000 donation from the Wake Family Charitable Foundation. The Village Board and committee members are very appreciative of this generous donation for the park that runs along the French Creek. The committee plans to meet at the end of this month to decide what their next steps will be. The Village plan to do the first step of the SEQRA for the park as soon as we receive the paperwork. This may require an additional meeting this month.
- **Steering Committee** – this was discussed under the CDBG Community Planning project.

MAYORAL ADDRESS

- **157 West Main Street** – The mayor expressed her heartfelt condolences to the Taylor family during this tragic time. She said a motion was on the table to discontinue any 2022 charges for utilities which would be voted on later in the meeting. This means we would remove their EDU so that they don't accumulate any more expenses at this time. The clerk would assist them in applying for the LIHWAP (Low Income Household Water Assistance Program) for their current outstanding balance.
- **NYCOM** – has signed a letter in an effort to increase AIM (Aid and Incentives for Municipalities) funding. Previously it was for \$5,277 per year, but they are pushing for an increase.

PUBLIC PARTICIPATION

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (12/09/2021) is \$53,772.21
NYS Fund Bank Account: Balance (12/09/2021) is \$0
Sewer Project Bank Account: Balance (12/09/2021) is \$0
Water Project Bank Account: Balance (12/09/2021) is \$10,505
Stormwater Project Account: Balance (12/09/2021) is \$92,455.10
CD Account: Balance (12/09/2021) is \$0
CD Transfer: N/A
Account Adjustments: N/A

General Checking Account: Balance (01/12/2022) is \$199,225.74 & book balance \$167,370.30
NYS Fund Bank Account: Balance (01/12/2022) is \$0
Sewer Project Bank Account: Balance (01/12/2022) is \$4627.00 & book balance (\$12,122.52)
Water Project Bank Account: Balance (01/12/2022) is \$10,485 & book balance (\$106,981.95)
Stormwater Project Account: Balance (01/12/2022) is \$92,455.10
Parks Fund Account: Balance (01/12/2022) is \$27,235.72 & book balance \$27,033.22

CD Account: Balance (01/12/2022) is \$0
CD Transfer: N/A
Account Adjustments: N/A

RES 2022-01-12.3: VOUCHER #7 for November 11/4/2021-12/9/2021

Motion to approve Voucher #7 for \$181,252.86 for November 2021, of which \$0 is from the NYS Special Fund, \$10,164.00 is from the Sewer Project Fund, \$112,393.27 is from the Water Project Fund, and \$0 is from the Stormwater Project Fund.

Moved by Trustee Sanders Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.4: VOUCHER #8 for December 12/10/21-01/12/2022

Motion to accept Voucher #8 for \$398,791.91 for December 2021, of which \$0 is from the NYS Special Fund, \$16,749.52 is from the Sewer Project Fund, \$272,072.01 is from the Water Project Fund, \$202.50 is from the Parks Fund, and \$0 is from the Stormwater Project Fund.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.5: RESUME WATER PENALTY FEES

Motion to approve the Clerk-Treasurer to resume applying water penalties fees after January 20, 2022, following the expiration of the Utility Moratorium on December 22, 2021.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.6: DONATION FOR EDMUNDS PARK

Motion to accept the generous donation of \$15,000 from the Wake Family Charitable Foundation for the George Edmunds Memorial Park.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

OLD BUSINESS:

The Village was not awarded the bid for the used snowblower for \$5,000 RES:2021_12_08.10; Jay will continue to look for a snowblower attachment.

NEW BUSINESS:

RES 2022-01-12.7: ELECTRIC VEHICLE CHARGING STATIONS – NEG DEC

Proposed Action: Village of Sherman Electric Vehicle Charging Station Project

RESOLUTION DETERMINING THAT THE PROPOSED SHERMAN ELECTRIC VEHICLE CHARGING STATION PROJECT IS AN UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Village of Sherman (Village) is proposing the Village of Sherman Electric Vehicle Charging Station Project (Project), located in the Village of Sherman, Chautauqua County, New York; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act; and

WHEREAS, the Village sent a letter and Part 1 of a Short Environmental Assessment Form (SEAF) to be sent to other potentially “Interested” and “Involved Agencies”, indicating the Village’s desire to serve as the “Lead Agency” and to complete a coordinated review of the Project; and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Sherman Village Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Village of Sherman Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in the SEQRA Regulations, and (b) examining the SEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the SEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT RESOLVED that, the Village of Sherman Village Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the SEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village’s knowledge of the area surrounding the Project, the Village of Sherman Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Village of Sherman Village Board, as Lead Agency, hereby directs the Village of Sherman Mayor to sign the SEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately.

On the motion of Trustee Watson and seconded by Trustee Emory, the foregoing resolution was put to vote, and upon roll call, the vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 12th day of January 2022.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.8: RENTAL AGREEMENTS FOR 2022

Motion to authorize the mayor to offer and sign the following monthly rental financial arrangements for the year 2022, with no increase over 2021, beginning January 1st, 2022 with the tenants of the properties listed below:

- 130 West Main Street for \$275/month, including Water & Sewer EDU
- 129 West Main Street for \$250/month, including Water & Sewer Utilities
- 123 West Main Street for \$250/month, including Water, Sewer, Gas & Electric Utilities

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

WHEREAS, pursuant to Village of Sherman Local Law 1 of 2021 (the “Village Solar Law”), Village projects and activities are exempt from the Village’s Zoning Code; and

WHEREAS, the portion of the Project located in the Town of Sherman is expressly permitted pursuant to Town of Sherman Local Law 3 of 2020 (the “Town Solar Law”), subject to the issuance of a Special Use Permit by the Town Board; and

WHEREAS, the Village has considered the balancing of interests test set forth by the New York State Court of Appeals case entitled *Matter of Monroe v City of Rochester* discussed in the attached Findings; and

WHEREAS, the purpose of the *County of Monroe* balancing test is to determine which governmental interest should prevail where there is a conflict between land use regulations of one political unit and the statutory authority of another unit to perform a designated public function; and

WHEREAS, the *County of Monroe* balancing test identifies nine (9) separate factors to be considered to determine whether a specific project qualifies for immunity from land use regulations; and

WHEREAS, in this case, the conflicting governmental interests are those of the Village and the Town; and

WHEREAS, for the reasons set forth in the attached findings, the Village finds that the Project, which is being developed for the community benefit, is exempt from the Town Solar Law.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby adopts the attached findings, a copy of which is attached hereto and made a part hereof, and hereby declares the Village-sponsored Project is exempt from the Town Solar Law.

On the motion of Trustee Sanders and seconded by Trustee Watson, the foregoing resolution was put to vote, and upon roll call, the vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 12th day of January 2022.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.12: MINIMUM WAGE

Motion to approve the increase the minimum wage paid by the Village of Sherman to the minimum wage in effect for NY State at a rate of \$13.20 effective January 1st, 2022.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.13: RE-SCHEDULE FEBRUARY REGULAR BOARD MEETING

Motion to schedule the February Regular Meeting of the Board of Trustees for Wednesday, February 9th, at 6:00pm; following the “State of the Village” report at 5pm; to be held at the Village Office; and post the notice at the Post Office, in the Post Journal and on the website.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.14: SUSPEND WATER & SEWER CHARGES FOR 157 W MAIN ST

Motion to approve the suspension of any further water and sewer charges for service at 157 West Main Street, for the 2022 calendar year, including the base EDU charges.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

RES 2022-01-12.15: WWTP RD LOAN AMENDMENT

Motion to approve the amendment of the Letter of Conditions (dated September 3, 2019) with the USDA-RD for the Wastewater Treatment Plant Improvement Project; constructing new SBR treatment and reducing the funded agency loan to \$2,613,750.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 4 Nays: 0 Carried

Motion to adjourn the meeting at 6:45pm.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 4 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

**Next Meeting: TBA Special Meeting – if needed (SEQRA-Parks, EV BAN)
 Regular Board Meeting Wednesday, February 9th, 2022 at 6pm
 State of the Village, Part II – Wednesday, February 9th, 2022 at 5pm**