

VILLAGE OF SHERMAN

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

Monday, June 17, 2024 at 6:00pm

Mayor Meeder opened the meeting with the Pledge of Allegiance at 6:00pm. Board members Colleen Meeder, Gary Emory, Ryan Sanders, Dennis Watson, and Danielle Crane; Clerk-Treasurer Jeanette Ramm; Residents Amanda and Chris Douglas; and the press were in attendance. Chief Operator James Irwin was away on an emergency call.

RES 2024-06-17.1: MINUTES

Motion to accept the previous minutes of the Annual Reorganizational and Regular Meeting of the Village Board of Trustees held May 8, 2024, and the Special Meetings held on May 16, 2024 and May 29, 2024.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

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

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

The mayor gave a recap of the order of remediation from the meeting on April 24th since the property is still in violation. Landbank, who has more experience with this type of issue, gave us referrals and the Enforcement Officer, Greg Gormley, reached out to all the referrals, and we placed a Request for Bid in the Post Journal. We received an offer which the village attorney has checked and sees no conflict of interest. He also confirmed that our actions are a separate issue to the eviction of the tenant at 189 West Main Street. As with the cleanup of any property, the enforcement officer will be present during the cleanup.

RES 2024-06-17.2: ORDER TO EXECUTE THE REMEDIATION OF 189 W MAIN ST

Motion to approve the Order to Execute the remediation of 189 W Main Street, found in violation of Section 623 Trash Storage of the Village of Sherman Zoning Law 1-2009, as previously resolved under RES 2024-04-24.1 Order of Remediation.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

RES 2024-06-17.3: ACCEPT THE BID FOR THE PROPERTY CLEAN UP OF 189 W MAIN

Motion to accept the letter from Megan and Ronald Lutgen Jr. to clean up 189 W Main St and authorize the enforcement of code and zoning to provide the Notice to Proceed to Megan and Ronald Lutgen Jr.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board of Trustees.

Moved by Trustee Emory Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

Since Jay Irwin was away on an emergency call, the departmental report was pushed to the end of the meeting.

CAPITAL PROJECT UPDATES

STORMWATER

- You can see the equipment and tubes on Park Street where Legend is preparing to work along the athletic field.
- We were awarded \$1,250,000, some of which is unallocated, so we are preparing a change order to include Church Street to utilize those funds.

SEWER

- The last check for H&K is part of this meeting's vouchers and then their part of the Sewer Capital Project will be complete.
- The final item is to pave the entrance of the upper driveway off West Main Street, and then the Wastewater Treatment Plant Improvements Project will be complete. Doug Crane is going to pour concrete to finish the driveway once the Open House is over, so that the NYS DOT can release H&K from the bond, which they are tied to until this final piece is complete.
- BECC still has small items they need to complete as well.

WATER

- BECC has some punch items outstanding on this project.
- We are still waiting for Northrup to come and correct the curb stops. The mayor showed the trustees our current key and the new key which are not the same size, and the curb stop placements are too inconsistent. Some are too high; some are too low and the keys are not what we wanted. We should not need more than one key.
- The contractor is waiting for an exact list, but this takes time to put together. We are looking for a lighted camera to send down each tube to count the ones needing replacement.

NYMS AWARD – all the contractors have been reminded that they need to complete their work by September 1st. Miss Laura is excited about her façade and window upgrades; Cris Loutzenhiser has lots of exciting new ideas for the Cooler Bar & Grille, and is working on the upstairs, which he hopes to have open to the public in the spring of 2025. We have \$13,500 due back to the village from NYS for the final part of the awning project. The village's actual expenses were less than \$2,000. A final report will be given at the completion of the project.

COMPLETE STREETS – A second public workshop was held on Thursday, May 16, beginning with the presentation of conceptual plans, followed by more input from the group as to the areas

considered the greatest priority; including the extended parking in front of the school for the hour around the students release, the entrance to the Village on Rt 430 E Main Street from Mayville, and the pedestrian crossing at Main Street near Miller and Franklin Streets.

EV Charging Stations – there were some unused funds so we amended our 5-year contract with EV Connect into a 10-year contract, and submitted this additional claim which needs to clear (proof of payment) before the NYSDEC will release the rebate. The importance of communities having an electric vehicle charging station is becoming more and more apparent, and we are very grateful that we received the award before it became too competitive.

COMMITTEE & AGENCY UPDATES

Solar Project Status - the sheep are officially at the site. The shepherd has a gravity feed watering system for the sheep, but also has a contract to buy water from the village, at the same cost as other bulk water users. He is not getting free water and no-one's water bills are going up because of this. The village is not paying for the shepherd or the sheep, those are maintained along with the property by the solar company under the operations and maintenance agreement. This project will bring in roughly \$3.1M over the next 25 years. We see National Grid trucks every day but are not sure when they will turn the system on. They are definitely close to being ready.

Edmunds Park Committee – Doug Crane pressure washed the pipes before they began insulating the restrooms, and now the contractor is preparing to do the insulation and turn on the water. These costs have already been paid for and the only cost left is the cement pad and railing around the building which will make the restrooms ADA compliant.

Preserve NY Grant for the Yorker Museum – we should hear back about our application in July. Whether we are awarded or not, we have to engage the NY League of Preservation to determine our next steps for the museum.

Restore NY – our grant application was submitted, along with 34 letters of support.

Chautauqua Region Economic Development Corp (CREDC) and its related partners at Chautauqua County Partnership for Economic Growth (CCPEG) – provided a \$6,000 grant to the Village of Sherman to cover the Restore NY application assistance from Heritage Resources, LLC.

Trails – Friends of the Chautauqua County Greenway (FCCG) hosted the public hearing on the Chautauqua County Interactive Trails Map. The new trail mapping system can be found on the ChooseCHQ.com with the Live CHQ promotion.

Chamber of Commerce – the Chamber's butterfly competition is underway and the winner of \$50 will be announced on July 2nd. The community yard sale is set for July 20th, to help promote the SCR Wild Eagles chicken BBQ which is on the same day. Their next meeting is Wednesday, July 10, at 9am, at the Village Office.

MAYOR

- Donations of \$200 from Georgia Peck of Sherman's Inn on Main Bed & Breakfast and top soil from Greg Rater of Slab City Organics.

- The Chamber of Commerce will also be making a donation to the Main Street flowers, but are waiting for a copy of the original invoice. The invoice is included in this voucher, and the clerk will send the Chamber a copy.
- The Memorial Day parade was cancelled due to the weather; Trustee Emory is inviting a speaker for Memorial Day 2025.
- The Mayor added that the number of “Oversized Loads” travelling through Sherman have increased and will remain until the completion of the Chautauqua bridge improvements, which will be for the next three to four years.

PUBLIC PARTICIPATION

No public participation.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (06/17/2024) is \$119,242.97 & book balance \$89,029.33
 NYS Fund Bank Account: Balance (06/17/2024) is \$3,888.91
 Sewer Project Bank Account: Balance (06/17/2024) is \$6.10 & book balance (\$62,826.52)
 Water Project Bank Account: Balance (06/17/2024) is \$26,825.66
 Parks Fund Account: Balance (06/17/2024) is \$4,814.20
 Stormwater Fund Account: Balance (06/17/2024) is \$364,718.07 & book balance \$304,032.08
 Climate Smart Account: Balance (06/17/2024) is \$14,019.34
 Debt Service Account: \$40,049.88
 Reserve Account: \$27,661.49
 CD Account: Balance (06/17/2024) is \$0
 CD Transfer: N/A
 Account Adjustments: N/A

RES 2024-06-17.4: VOUCHER #1 2025

Motion to accept Voucher #1 for \$770,256.57 for May 2024, of which \$900 is from the NYS Special Fund, \$62,832.62 is from the Sewer Project Fund, \$0 is from the Water Project Fund, \$6,740 is from the Parks Fund, \$605,414.06 is from the Stormwater Project Fund, and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Crane Seconded by Trustee Sanders
 Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

5/29/2024 Town Assessor explained unfortunately the changes did not make the 2023 assessment roll but have now been corrected for the 2024 Assessment Roll, effective for the June 2025 (tax year 2025-2026).

RES 2024-06-17.5: 2024 TAX BILL AMENDMENT

Motion to approve the clerk-treasurer to make the following amendments to the Real Property Tax bills as follows:

- 328.14-1-19 reduce by \$47.53
- 328.14-1-20 reduce by \$677.04
- 328.06-1-1 reduce by \$27.80
- 328.06-2-1 reduce by \$26.90
- 328.06-1-2 reduce by 104.01

with a total reduction to the tax warrant of \$883.28; and to authorize the clerk-treasure and mayor to sign the NYSDTF Office of Real Property Tax Services Application for Corrected Village Tax Roll.

Moved by Trustee Watson Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

128 East Main Street has been paying a full EDU for water and sewer services. Now that the building is open for use, it has been found to need new service connections.

RES 2024-06-17.6: WATER AND SEWER BILL SUSPENSION

Motion to approve the suspension of charges to water and sewer bill number 111 for 128 E Main Street until the new service connections are installed.

Moved by Trustee Sanders Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

RES 2024-06-17.7: ENDORSEMENT OF 2024 CFA APPLICATION

Motion to approve and endorse the Village of Sherman’s application through the July 2024 Consolidated Funding Application (CFA) for funding under the **Climate Smart Communities** Program for the Stormwater ‘Upper Basin’ ponds and flood mitigation phase of the Comprehensive Stormwater Project; and the application to the NYS Department of State for funding under the **Smart Growth Program** to update the Local Zoning Law; the Trustees accept that the Village will not be applying for the NYS Environmental Facilities Corporation for the Green Innovation Grant Program for Main Street Stormwater Project, and herein approves the August application to the NYS Environmental Facilities Corporation for the **Green Resiliency Grant** Program for the Main St Stormwater Project.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

RES 2024-06-17.8: B&L STORMWATER & ZONING GRANT APPLICATIONS

Motion to approve and authorize the mayor to engage Barton & Loguidice for the purposes of providing engineering and planning services for the Village of Sherman’s Stormwater Improvement Project re-application to the NYSDEC Climate Smart Communities CSC, and for the Village of Sherman’s Zoning Update by the application to the NYSDOS Smart Growth Program through the upcoming July 2024 Consolidated Funding Application (CFA); and the Village of Sherman’s August application due to the NYSEFC for the Green Resiliency Grant Program.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

RES 2024-06-17.9: NYSDOT PERMIT 1

The New York State Department of Transportation in connection with work affecting state highways (For use by New York municipalities and federal agencies).

WHEREAS, the undersigned Village of Sherman (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as “Permittee”) from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses.

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

- 1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such an application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
- 2. Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
- 3. Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition. **UNDERTAKING** For the benefit of The New York State Department of Transportation In connection with work affecting state highways (For use by Municipalities) PERM 1 (9/10) NYSDOT PERM 1 (rev. 9/10) condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
- 4. Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to improvements in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all claims for the value of public improvements.
- 5. Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations; whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising

out of any claim, including but not limited to claims for personal injuries, property damage or wrongful death and/or environmental claims, in any way associated with the Permittee's, activities or operations, no matter how caused.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked upon thirty days' written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

Moved by Trustee Crane Seconded by Trustee Sanders
Ayes: 5 Nays: 0 Carried

RES 2024-06-17.10 Structural Engineer

Motion to approve engaging Barton & Loguidice's Structural Engineer to review and provide a written statement of the structural condition of 130 West Main Street, not to exceed \$2,000.

Moved by Trustee Crane Seconded by Trustee Watson
Ayes: 5 Nays: 0 Carried

Chief Operator, Jay Irwin, joined the meeting.

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- The DIP (Direct Inline Pump) System went down and needed the seals to be replaced, which we had done. So, although the DIP System is no longer under warranty, the faulty repair is still under warranty.

WATER

- There was a blockage between the Snack Shack and the downstream manhole. It looks like something from the Snack Shack went down the main line and plugged it up. Matt Oehlbeck from the county was able to clear it out and we've cleaned it up already.

Motion to adjourn the meeting at 7:48pm.

Moved by Trustee Crane Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Meeting July 10, 2024 at 6pm.