

VILLAGE OF SHERMAN

MINUTES OF THE PUBLIC HEARING FOR RESTORE NY ROUND 9, REGULAR MEETING OF THE BOARD, AND MEETING OF THE MUNICIPAL ZONING BOARD Monday, December 16, 2024, at 6:00pm

Mayor Colleen Meeder welcomed everyone and opened the meeting with the Pledge of Allegiance at 6:01pm. Board members Colleen Meeder, Ryan Sanders, Gary Emory, Dennis Watson, and Danielle Crane; Clerk-Treasurer Jeanette Ramm; Chief Operator James Irwin; and the press were in attendance.

The mayor showed everyone a short video of the tractor parade compiled by Matthew Ramm for Facebook. It is a combination of ground footage taken by the clerk and aerial drone footage taken by Matthew from the event on December 14th, set to Christmas music, to promote the event and the Village. The Facebook post, on both the Sherman Chamber of Commerce and Village of Sherman, will have a link to the footage of the entire event taken by Jeff Keeling which will be uploaded to the Village's website at www.shermanny.org.

RES 2024-12-16.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held Tuesday, November 12th, 2024.

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

Motion to suspend the regular meeting and enter into the Public Hearing of the Restore NY Round 9 Application for the 124 East Main Street property.

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

PUBLIC HEARING FOR RESTORE NY Round 9 APPLICATION:

The \$1,000,000 rehabilitation and restoration project for the reuse of the 124 E Main Street industrial "garage" into the We Rock The Spectrum – Sherman, kids sensory gymnasium was presented by Mayor Meeder. This is the second public hearing, the first was held May 16th, 2024 for the Round 8 application, where 16 members of the public attended and expressed their overwhelming support for the project. Tonight's meeting did not have any members of the public giving comment, as many are following the We Rock The Spectrum – Sherman Facebook account providing much of the information people are interested in knowing about the project and its purpose. Excitement is building as Agape Mas, LLC and members Heather and Kevin Gorée are going to be closing on the property shortly for the beginning of what will be a unique sensory gymnasium that will provide an inclusive space for play and exploration for all children of all abilities.

The Village of Sherman is supporting the Gorée's and the We Rock The Spectrum – Sherman project with the application to the Restore NY Program. This is the 9th Round of grants provided by NY State Empire State Development (ESD). The application is requesting a 50/50 match of \$500,000 toward the \$1,000,000 estimated cost of construction related expenses only (not soft costs to

professional planning or purchasing). They have had a structural engineer and contractor involved in the planning for the rehabilitation of the 23,000 sq ft building with its high ceiling from the original Sherman Main St Theatre circa 1929, which will accommodate the equipment and programs planned by We Rock The Spectrum – Sherman.

The application is due December 20th, 2024. Heritage Resources, LLC has assisted with the reapplication, given much of the laborious efforts were already conducted with the prior application provided by funding from the Chautauqua Regional Economic Development Council (CREDC) in coordination with Chautauqua County Partnership for Economic Growth (CCPEG).

The Trustees were very encouraged to hear the purchase was eminently closing, and excited about the possible grant funding as this will fast track the rehabilitation of this vacant, deteriorating building. The two story 23,000 sq ft building situated on 1.25 acres includes the parking lot and runs adjacent to the trail and French Creek. It has so much potential! The sensory gym will draw people from all areas within and around Chautauqua County, stimulating economic development and promoting the local economy.

Motion to close the Public Hearing for the Restore NY Round 9 Application and resume the regular meeting of the Board of Trustees.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING

There were no issues to be discussed.

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- One of the three Park Street sewer extensions is complete, and they are already using the sewer. There was an issue locating the line at one of the houses, but this will be resolved hopefully before the weather gets too bad. The new line crosses Park Street and there is a shutoff installed so that future expansions can be included. Mr. Irwin intends to speak to other potential users in the new year.
- Daryl Goodwill is registered to do the Basic Operators Course at the end of February.
- The influent pump station, of the DIP system, has a crack on the seam of the Y-pipe. We have someone coming in to weld it tomorrow, the repair will cost a lot less than replacement. We are not sure why the stainless-steel seam split, but we will shut down the system, clean it in preparation for welding, and hopefully that will hold, or we will have to replace the pipe.
- We have been contracted by Randolph Wastewater for shared services throughout 2025, the same as we have with Cherry Creek and had with Little Valley in the past.

WATER

- There have been problems with the RAFA system tripping the VFD (Variable Frequency Drive) of the #1 well. We reached out to Jason Opferbeck from RAFA a few months ago

regarding the sewer, and now we will have to reach out regarding this water issue. It's been 3 years since the RAFA system was installed, and if we continue to have issues, we may need to look at other options in the new year.

- We bought a truck from North County Sewer (South and Center) that includes a crane which is much safer to use to pull pumps than what we currently use. It is a 2008 vehicle, but in good condition and only \$5,000, including the crane. This will be much safer for the Village employees.

STREETS

- We have contracted out the cement work for the sidewalk in front of 110 and 114 W Main Street, but because of the severe weather, they have not been able to complete it.
- We were unable to clear sidewalks for a couple of days while we waited for a replacement solenoid for the sidewalk snowblower. The trackless and snowblower are both working but require the solenoid to work together.

CAPITAL PROJECT UPDATES

STORMWATER

- The contractor didn't have staff available, so the village streets department filled in the huge hole on the corner of Franklin and Main prior to the Tractor Parade as it was becoming treacherous for vehicles without snow tires. This is a temporary fill until the weather improves, and the contractor can come back to complete the walkway.
- Stormwater along Main Street is on hold for now, although the upper basins are being engineered while we wait for the Climate Smart Communities Grant award announcements. If we are not awarded, we are already working proactively with David Spann on what our next steps would be.
- The Green Resiliency Grant we applied for to complete another layer of Main Street stormwater improvements, which involved more green infrastructure than grey, was not awarded to the village. \$60 Million was awarded to Buffalo. We will have a debrief meeting to determine where we did score and if it is even worth us reapplying.
- Ken Knutsen (B&L) said there will be another round of GIGP grants opening up soon, but with the environmental justice stipulations and other requirements, we are disqualified before we start. We are not competitive because of those scoring elements.

WATER

- BECC Engineering has begun the final submission of their paperwork, for the completed work they did. This will be their final payment application so we can release the final check and close out this capital project.

NYMS AWARD

- Everyone has submitted their final paperwork, apart from 121 and 123 W Main Street who were held up by Sterling Windows out of Buffalo. Then the installation was delayed because of the extreme weather conditions. The State is aware of these delays and is working with us.
- The Cooler Bar & Grille, Bone Creek (121 and 123 W Main), and the Sherman Hotel maxed out their portions of the grant, utilizing the full \$50,000 each, which is great! There is roughly

\$15,000 of unspent grant money which we can no longer use. This is because some of the projects were completed under budget, and it was too late to add new projects that would meet the grant requirements in the short time before the closing date.

COMPLETE STREETS

- Matt Zarbo will be meeting with our streets superintendent to work out the design and implementation of Mr. Crane's ideas for the complete streets, also to be discussed with the DOT. This will not include narrowing the streets or preventing oversized loads, which can only be addressed once the new bridge is installed. This meeting will address smaller changes, such as, investigating the practicality of diagonal parking, the location of new crosswalks, etc.

EV CHARGING STATIONS

- EV Connect made the corrections to their paperwork, which we have submitted to the DEC. We also updated our certificates of insurance and are just waiting for the NYSDEC rebate.

COMMITTEE & AGENCY UPDATES

AFPB –the Ag & Farmland Protection Board is providing a 30-day period for the inclusion of predominantly viable agricultural lands into existing agricultural districts. The Chautauqua County Legislature has designated January 2 – January 31 for the annual opportunity during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district, per NY State Agriculture and Markets Law Section 303-b. This application will be posted on the website www.shermanny.org and at the US Post Office.

Restore NY Grant – Application is due Friday, December 20, 2024, and we are on track for that.

NY Forward – The due date for notification of awards is sometime in January, so we are still hoping for a favorable outcome.

Climate Smart Communities – we applied to Smart Growth to update our zoning, and the award for this should be announced by January.

CCPEG – The Chautauqua County Partnership for Economic Growth awarded \$1.6M from the Ralph C. Wilson Jr. Foundation for the next three years to administer subawards to community and economic development projects in our region; information is coming in early 2025 on opportunities available for municipalities to apply.

Chamber of Commerce – The Sherman Christmas Week and Lighted Tractor Parade were very successful, even though the weather was so cold. There were 61 registrations for the parade and a lot of spectators. Matthew's short video is already on Facebook and the full parade will be posted on the website. The chamber's next meeting is scheduled for Tuesday, January 14th, at 9am in the Village Office.

MAYOR

- **Minerva Free Library** – November 26th, accepted the grant from the Mayville Rotary Club providing for 50 non-fiction books. This followed the \$2,000 CSX Grant which purchased

130 non-fiction books for a total of 180 non-fiction books. Many are new to the Chautauqua-Cattaraugus Library System, benefiting more than just the Sherman and Chautauqua communities. Congratulations to Director Cindy Sears for her very impressive efforts in maximizing the grant opportunities and sourcing all these desired books serving the entire CCLS. These books are in addition to the Material Grants received annually from the CCLS for new books.

- The **village office will be closed** December 25th and reopen to the public on January 6th. The clerk will be working intermittently during this time in preparation for year end and checking messages/emails.
- **Trash** – the 24th and 31st of December are both Tuesdays and trash pick up will happen as scheduled, but the recycling falls on Wednesday, January 1st which is a public holiday, so this will be pushed out until Wednesday, January 8th.
- **JMA** - Single audit is still ongoing.

PUBLIC PARTICIPATION

No public present.

FINANCIAL REPORTS FROM CLERK-TREASURER:

Community Bank Accounts:

General Checking Account: Balance (12/13/2024) is \$24,777.34 & book balance \$2,088.62

NYS Fund Bank Account: Balance (12/13/2024) is \$61,125.16 & book balance (\$29,874.84)

Sewer Project Bank Account: Balance (12/13/2024) is \$24,131.54

Bldg/Wtr Project Bank Acct: Balance (12/13/2024) is \$3.12

Parks Fund Account: Balance (12/13/2024) is \$801.46

Stormwater Fund Account: Balance (12/13/2024) is \$170,765.19 & book balance (\$117,309.45)

Climate Smart Account: Balance (12/13/2024) is \$14,036.88

Debt Service Account: Balance (12/13/2024) is \$47.92

Reserve Account: Balance (12/13/2024) is \$33.10

NYCLASS Account: Balance (12/13/2024) is \$330,321.33

Of which is: General Funds \$64,885.56

Capital Funds \$236,793.07

Contains Stormwater BAN proceeds and Water Proj. Balance

Debt Funds \$544.43

Repair Reserve Funds \$28,098.27

Receipts: Total \$46,014.70

RES 2024-12-16.2: VOUCHER #7 2025

Motion to accept Voucher #7 for \$612,691.84 for November 2024, of which \$78,517.50 is from the NYS Special Fund, \$0 is from the Sewer Project Fund, \$0 is from the Water Project Fund, \$0 is from the Parks Fund, \$333,200.89 is from the Stormwater Project Fund, and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Watson Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

RES 2024-12-16.3: SEQRA – RESTORE NY ROUND 9, REHABILITATION PROJECT

**RESOLUTION DETERMINING THAT THE PROPOSED VILLAGE OF SHERMAN
WRTS BUILDING REHABILITATION IS AN UNLISTED ACTION AND WILL NOT
HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

WHEREAS, the Village of Sherman (Village) is proposing the WRTS Building Rehabilitation (Project), located at 124 E Main Street in the Village of Sherman, Chautauqua County, New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”), the Village of Sherman Village Board desires to comply with SEQRA and the Regulations; and

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2; 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 Section 617.7 of 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 of Sherman Village Board’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 the project will not result in one or more potentially large or significant adverse impacts (negative declaration); this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, to the extent any or all actions hereby authorized have been executed and/or performed by the mayor all are hereby ratified and confirmed and this Resolution takes effect immediately.

On the motion of Trustee Watson, seconded by Trustee Crane, the foregoing resolution was put to a vote 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>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-12-16.4: APPLICATION TO RESTORE NY FOR 124 EAST MAIN ST.

WHEREAS the Village of Sherman is eligible for grant funding under Round #9 of the Restore NY Communities Initiative Municipal Grant Program; and

WHEREAS the Village Board has considered proposals that qualify for funding under the program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows:

Redevelopment of 124 East Main Street, Sherman, NY. The project will rehabilitate the vacant 23,000 square foot property into a youth recreational and learning center with gymnasium and STEM rooms under a program called “We Rock The Spectrum”; and

WHEREAS this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the Village of Sherman.

NOW THEREFORE, BE IT RESOLVED that the Village Board hereby supports and will sponsor an application for Restore NY funding for 124 East Main Street, Sherman, NY and will administer the grant in accordance with all applicable rules and regulations established by ESDC; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the applications and any agreements required by ESDC for grant funding that results from the application.

BE IT FURTHER RESOLVED to the extent any or all actions hereby authorized have been executed and/or performed by the mayor all are hereby ratified and confirmed and this Resolution takes effect immediately.

On the motion of Trustee Crane, seconded by Trustee Emory, the foregoing resolution was put to a vote 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>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-12-16.5: AUTHORIZE ESDC PAYMENT FOR RESTORE NY ROUND 9 APPL.

Motion to ‘nunc pro tunc’ approve and authorize the payment of \$250 to Empire State Development Corporation (ESDC) for the Application to the Restore NY Communities Initiative Grant Program. (*nunc pro tunc, latin meaning “now for then”*)

Moved by Trustee Crane Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

RES 2024-12-16.6: B&L STORMWATER ENGINEERING CONTRACT AMENDMENT #4

Motion to approve Amendment #4 to the agreement between the Village of Sherman and Barton & Loguidice for engineering services with the cost increase not to exceed \$28,000 for the remaining months of the Main Street Stormwater Infrastructure Improvements project, effective December 16, 2024.

Phase	Task	Original Amount	Amendment No. 1	Amendment No. 3 No-Cost Fee Shift	Amendment No. 4 Fee Increase	Amendment No. 4 - Total Revised Fees
2	Basic Services:					
	a. Prelim. Design Phase	\$ 43,500.00	\$ -			\$ 43,500.00
	b. Final Design Phase	\$ 47,000.00	\$ -			\$ 47,000.00
	c. Bidding Phase	\$ -	\$ 12,000.00			\$ 12,000.00
	d. Construction Phase	\$ -	\$ 43,000.00	\$ 13,000.00	\$ 28,000.00	\$ 84,000.00
	e. Post-Construction Phase	\$ -	\$ 4,000.00	\$ (2,000.00)		\$ 2,000.00
3	Additional Services:					
	a. Subcontract Admin.	\$ 1,500.00	\$ -	\$ (4.00)		\$ 1,496.00
	Subcontracted Services:					\$ -
	1. Survey & Mapping	\$ 17,625.00	\$ -	\$ (1.25)		\$ 17,623.75
	2. Subsurface/Geotech.	\$ -	\$ -			\$ -
	3. Cultural Res., Phase 1A/1B	\$ -	\$ -			\$ -
	4. Easement Maps & Descrip	\$ -	\$ -			\$ -
	c. Verify Exist. Conditions	\$ 2,000.00	\$ -			\$ 2,000.00
	d. ROW Assist. & Mapping	\$ -	\$ 2,300.00	\$ (5.00)		\$ 2,295.00
	e. Permits and Approvals	\$ 8,375.00	\$ -	\$ 2,200.00		\$ 10,575.00
	f. Funding Assistance	\$ 2,000.00	\$ 2,500.00			\$ 4,500.00
	g. Record Drawings / O&M Man./ Start Up	\$ -	\$ 4,000.00	\$ (2,500.00)		\$ 1,500.00
	h. Reimbursable Expenses	\$ 3,000.00	\$ 2,000.00	\$ (3,489.75)		\$ 1,510.25
	i. Other Additional Services (A2.02 from Exhibit A)	TBD	\$ -			\$ -
4	Resident Project Rep.	\$ -	\$ 55,200.00	\$ (7,200.00)		\$ 48,000.00
	Total Fees	\$ 125,000.00	\$ 125,000.00	\$ -	\$ 28,000.00	\$ 278,000.00

Agreement Summary: Main Street Storm Sewer Infrastructure Improvements

Original agreement amount: \$125,000.00
Net change for prior amendments: \$125,000.00
This Amendment No. 4 amount: **\$ 28,000.00**
Adjusted Agreement amount: **\$ 278,000.00**

Moved by Trustee Emory Seconded by Trustee Watson
Ayes: 4 Nays: 1 (Crane) Carried

In the interim, we will use allocation from within the current amount budgeted on the Form E until we are closer to the execution & construction of the upper basins. BUT WITH THIS Amendment we will ultimately be increasing the overall Form E budget by \$28,000.

RES 2024-12-16.7: STORMWATER BUDGET REVISION OF FORM E #4

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 16th day of December, 2024, at 6:00 o'clock p.m., the following resolution was offered by Trustee Watson who moved its adoption, seconded by Trustee Emory to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting Revisions to the “Village of Sherman Stormwater Infrastructure Improvements Project”, Capital Project as administered through USDA Rural Development. The Village Board hereby modifies the following Administrative and Construction budget items to the upcoming Form E #

C.2a Upper Basin Construction to be decreased by \$28,000.00 (\$28,000.00)
And
B.2d Construction Phase (Tech Svcs.) to be increased by \$28,000.00 \$28,000.00

The reason for these modifications is to increase the estimated engineering costs within Amendment #4 of the contractual agreement with Barton & Loguidice for the engineering services for the Main Street Stormwater Improvements through the remaining months of construction.

THIS BUDGETARY MODIFICATION RESULTED IN NO CHANGE TO THE TOTAL BUDGET.

WHEREAS, the Village of Sherman, Village Board has reviewed the Form E Capital Outlay Budget category and,

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on December 16, 2024, the result of which 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>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted this 16th day of December 2024.

RES 2024-12-16.8: CLERK-TREASURER CELL PHONE REIMBURSEMENT

Motion to approve the cell phone reimbursement of \$75 (from \$40) for the clerk-treasurer retroactively beginning June 1, 2024, for the required security credentials and other municipal account access.

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

Motion to move into Executive Session at 6:54p.m. to discuss legal and contractual issues.

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

Returned to the regular meeting at 8:12pm.

Motion to adjourn the meeting at 8:12pm.

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

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Meeting Wednesday, January 8, 2025, at 6pm.