

**REGULAR MEETING, PUBLIC HEARING REGARDING LOCAL LAW NO 2  
OF 2021 CANNABIS RETAIL DISPENSARIES AND ON-SIDE CONSUMPTION  
SITES AS A AUTHORIZED UNDER CANNABIS LAW ARTICLE 4  
TOWN OF SHERMAN,  
Sept. 2, 2021**

A regular meeting of the Town of Sherman Board was held on Thursday, Sept. 2, 2021 at the Town Office Building, 111A Mill St, Town of Sherman, Chautauqua County, New York at 7:00 PM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/ Deputy Supervisor
	Howard E. Crump	Council Member
	Bessie V. Endress	Council Member
	Ben Nickerson	Council Member
	Tamera M Weise	Town Clerk
	Dennis Sweatman	Highway Superintendent

Absent:

Guest: Greg Osman- CEO, Annette Swan – Town Historian, Donna Lee Higginbotham, and Marty Proctor.

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

\*Greg Osman- CEO gave his monthly reports as follows:

Number of inspections for August are 14

Number of inspections this year are 110

Number of Permits issued for August are 3

Number of Permits for this year are 16

Dollar Amount of Permits for August \$12,300

Dollar amount of Building this year are \$284,400

Miles traveled for August are 106

**Permits issued to:**

Bryan Lawson, 2033 Waits Corners Rd for a deck.

Michelle Alger, 2035 Waits Corners Rd for a handicap ramp.

Julie Rockcastle, 3323 Waits Corners Rd for a rental cabin.

**TOWN HISTORIAN**

- Town Historian Annette Swan asked the Town Board their thoughts and ideas for the 2023 Bicentennial Town Celebration. Annette was thinking it might be a good idea to have the celebration on Sherman Day 2023 as there already a lot of people in town that day. After discussion of ideas it was decided to talk with the Chamber of Commerce and see what their thoughts and ideas might be. Annette will report back to the Town Board.

**RESOLUTIONS #49**

Supervisor Mark Persons made the motions, seconded by Councilwoman Bessie Endress to name Annette Swan Chairperson of the 2023 Bicentennial Celebration.

5-Aye 0-Naye

MOTION CARRIED

- Town Historian also discussed with Board about having some home movies / photos that she has been given and wants to have digitalized and put onto the Sherman website. There would be a fee for having this done and she asked about monies to help cover the cost. The Board felt that they could find monies to help fund this project.

## **PUBLIC HEARING REGARDING LOCAL LAW No. 2 for 2021**

At 7:15 p.m. Supervisor Mark Persons made the motion, seconded by Councilman James Higginbotham to enter into the Public Hearing. MOTION CARRIED

Supervisor Persons opened the Public Hearing regarding Local Law No.2 for 2021 to Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4.

Supervisor Persons explained how the only time to opt out of this law is before Dec. 31, 2021 but you can always opt-in.

### **RESOLUTIONS #50**

After discussion and questions were answered Councilman James Higginbotham made the motion, 2<sup>nd</sup> by Councilman Howard Crump to ADOPT Local Law No. 2-2021 To Opt out Of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4.

### **A LOCAL LAW to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4**

#### **Section 1. Legislative Intent**

It is the intent of this Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Sherman that would otherwise be allowed under Cannabis Law Article 4.

#### **Section 2. Authority**

This Local Law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

#### **Section 3. Local Opt-Out**

The Town Board of the Town of Sherman hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

#### **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. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law §24.

**Section 5. Effective date.**

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

**MOTION CARRIED  
AYE – 5 NAYE - 0**

**RESOLUTION #51**

Councilwoman Bessie Endress made the motion, seconded by Councilman Ben Nickerson to close the Public Hearing and enter into the regular Board Meeting.

**MOTION CARRIED**

**APPROVAL OF MINUTES**

**RESOLUTION #52**

Councilwoman Bessie Endress made the motion, seconded by Howard Crump to approve the minutes from the last board meeting.

**MOTION CARRIED.**

**RESOLUTION #53**

**ABSTRACTS/CLAIMS**

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to approve payment of General Claims #114 through #126 in the amount of \$8, 00.07. Highway Claims #102 through #113 in the amount of \$5,297.15. **MOTION CARRIED.**

**JUDGE’S REPORT**

Judge Penfold’s Aug. report shows fines of \$2,032.00 Civil fees of \$210.00 and surcharges of \$1,274.00 for a total of \$3,519.00.

**CLERK/REGISTRAR’S REPORT**

- Clerk Weise read Dog Control Officer Kelly Thornton her Oath of Office on 8/6/2021.
- Clerk Weise notified the Chaut. Sheriff Office and The Village Clerk that Sandy Kochanowski is not at this time the full time Dog Control Officer for The Town of Sherman due to health reasons.
- NY State Governor Hochul has ordered all Sexual Harassment Training to be in person for 2021. Clerk Weise will notify Clymer, French Creek and Mina to see if they are interest in doing a combined training this year.
- Dog Enumeration program is all set to begin Oct. 1<sup>st</sup> through November 1<sup>st</sup>.

The Following Fund Balance as of 9/2/2021 was presented to the Town Board as follows:

General Fund Balance	\$61,426.96
Highway Balance	\$54,230.09
Special Trust	\$ 500.24
Youth Checking	\$ 189.42
Youth Savings	\$ 4,873.28

## **ASSESSOR'S REPORT – Sept.**

Sept. Report:

- There were 2 deeds recorded in July.
- The Sales analysis of CAP4 is nearly complete. Once finalized by ORPTS, the analysis of useable sales will determine the areas with the greatest disparity in sale price vs assessment. I will be able to report on the findings by the end of November.
- The 2021 New York State Assessors Association Annual Conference will be held October 3-6<sup>th</sup> in Niagara Falls. All the required continuing education credits are obtained at this time. This is also the only opportunity each year to learn about the new legislation from the past year. We are given direction by NYS ORPTS about any new exemption administration requirements and learn from our colleagues across the state. It's a tremendously rewarding experience.

Thank you.

## **HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Dennis Sweatman brought the following to the Boards attention:

- David Burkholder has not yet removed the posts from Bement Rd, Dennis will give him the entire 30 days and then will remove them from the Towns right – of – way.
- There are several monuments in the older section of the cemetery in need of repairs. Dennis said the Highway Dept would like to try and repair them to the best of their ability along with removing overgrown trees and shrubs.

## **SUPERVISOR REPORT**

- Supervisor Persons brought to the Boards attention that it is time to start working on the 2022 Budget. Supervisor Persons is going to be out of Town for the Oct. 7,2021 Board Meeting and would like to schedule the Budget Work Session for Thurs. Sept 30,2021 at 7:00 p.m. so that the Tentative Budget can be presented at the Oct. 7,2021 board meeting.

### **RESOLUTION #54**

Council man James Higginbotham made the motion, seconded by Councilman Ben Nickerson to appoint Supervisor Mark Persons as the 2022 Budget Officer and to schedule the budget work session for Thurs. Sept. 30, 2021 at 7:00 p.m.

MOTION CARRIED

MEETING ADJOURNED AT 7:50 p.m.

Respectfully Submitted,

Tamera M Weise  
Sherman Town Clerk