

**PUBLIC HEARING LOCAL LAW NO 1 of 2022 REGULATING THE CONTROL OF
LIVESTOCK /***2022*** RE-ORGANIZATIONAL MEETING**
TOWN OF SHERMAN
January 6, 2022

The Town of Sherman re-organizational meeting was held on Thursday, January 6, 2022 at the Town Office, Town of Sherman, Chautauqua County, New York at 7:00 P.M.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Deputy Supervisor /Councilman
	Bessie V. Endress	Councilwoman
	Howard Crump	Councilman
	Ben Nickerson	Councilman
	Tamera M Weise	Town Clerk

ABSENT: Dennis Sweatman- Highway Superintendent

GUESTS: Greg Osman – CEO, Marty Proctor – County Legislator, Town Residents – Mike Schmitz, Carol Chase, Greg Rater & Zach Williams

Supervisor Persons called the meeting to order at 7:00 p.m. and led the Pledge to the Flag.

PUBLIC HEARING

At 7:05 Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to enter into the Public Hearing on Local Law No.1 -2022 Opened at 7:05 p.m.

- Town Resident Mike Schmitz shared his concerns section F – Penalties & Enforcement No. 1. Discussion was held on how that might be changed.
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RESOLUTION #1

After discussion and questions were answered Councilman Howard Crump made the motion, seconded by Councilman James Higginbotham made the motion to close the Public Hearing and enter into the Regular Board Meeting. MOTION CARRIED.

- Town Resident Greg Rater presented the Town Board members with a letter on his thoughts and concerns on zero waste strategies to help increase composting and recycling.
- Greg Osman – CEO gave his monthly report as follows:
 - Number of inspections for Dec. are 15
 - Number of inspections for year are 154
 - Number of Permits issued for Dec. are 1
 - Number of Permits for this year is 23
 - Dollar amount of Permits for Dec. are \$0
 - Dollar amount of Building this year is \$344,000
 - Miles traveled for December is 80

Permits Issued:

Elizabeth Aiken, 7484 Sherman-Stedman Rd for a demolition permit.

RESOLUTION #2

APPROVAL OF MINUTES

Councilman Howard Crump made the motion, seconded by Councilwoman Bessie Endress to approve the minutes of the last meeting. MOTION CARRIED.

RESOLUTION #3

ABSTRACT CLAIMS

Councilwoman Bessie Endress made the motion, seconded by Councilman Ben Nickerson to approve payment for General Claims #1 through #4 in the amount of \$1,728.96 and Highway Claims #1 through #4 in the amount of \$1,087.72. MOTION CARRIED.

CLERKS REPORT

Clerk Tamera Weise presented the following to the Town Board:

- Oath of Offices were presented and signed by the re-elected/ appointed officials. Councilman, Ben Nickerson, Howard Crump, and CEO Greg Osman. Clerk Weise will give the Oath of Office to Deputy Town Clerk/Registrar / Deputy Court Clerk Theresa L. Tallman and Court Clerk Jody D'Anthony for their signatures.
- The Town Board member's along with Highway Superintendent Dennis Sweatman signed the 2022 Agreement to Spend Town Highway Funds.
- 2021 Registrar and Town Clerk/Registrar's Reports for the year will be submitted at the Feb. meeting after the December bank statement has been received and balanced.

HIGHWAY SUPERINTENDENT'S REPORT – No report given

SUPPERVISOR'S REPORT

Supervisor Mark Persons presented the following to the board:

- County Executive PJ Wendell sent out an email asking municipalities to participate in distributing at home COVID tests and KN95 masks to town residents. Mark responded that the Town of Sherman would participate in the distribution. There will be 100 COVID home test kits and KN95 masks available at the Town Clerks Office beginning next week.
- Norm Rater's term for serving on the Town of Sherman Board of Review has expired. Norm is no longer interested in serving on that board. Mark asked for the Town Board members to be thinking of someone who might be willing to serve on the Board of Review and let him know as he would like to appoint someone at the Feb. or March board meeting.
- Supervisor Persons presented to the board the request from NYS Governor in regards to the Extension of Senior and Individual with Disabilities and Limited Income Exemption for the Star Exemption refile. The following Resolution was presented:

WHEREAS, the Governor issued Executive Order 11.1, which grants local governments the ability to adopt a resolution extending the exemption status for those seniors and individuals with disabilities entitled to certain real property tax exemptions; NOW THEREFORE

BE IT RESOLVED that the assessor shall extend the 2021 exemption status for those individuals receiving the senior exemption and the persons with disabilities and limited income exemption through 2022 without a renewal application except in the circumstances elucidated below; and

BE IT RESOLVED that the assessor may require a renewal application if he or she believes that an owner that qualified for the 2021 exemption has since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

RESOLUTION #4

Supervisor Mark Persons made the motion, seconded by Councilwoman Bessie Endress to accept the Resolution regarding the Extension of Seniors and Individuals with Disabilities and Limited Income.

MOTION CARRIED.

Supervisor Mark Persons – AYE

Councilwoman Bessie Endress - AYE

Councilman James Higginbotham – AYE

Councilman Ben Nickerson - AYE

Councilman Howard Crump - AYE

- Supervisor Persons let the Board know that the land sale to Triple E Manufacturing has been completed and the Town of Sherman has been paid \$1.00 for the sale.
- Supervisor Persons asked if there were any further questions or comments on Local Law No1 of 2022.
- **RESOLUTION #5**

Councilwoman Bessie Endress made the motion seconded by Councilman Howard Crump to accept the following Local Law No 1 of 2022 with the changed that were discussed.

**TOWN OF SHERMAN
LOCAL LAW NO. 3 OF 2021**

A LOCAL LAW REGULATING THE CONTROL OF LIVESTOCK

Be it enacted by the Town Board of the Town of Sherman, in the County of Chautauqua, as follows:

Section 1. Authority.

This local law is adopted by the Town of Sherman pursuant to the authority granted by:

- A. Article IX of the New York State Constitution, §2(c)(6) and (10);
- B. New York Statute of Local Governments, §10(1);
- C. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a)(6), (12) and (14); and
- D. New York Town Law §130 (11)(Peace, good order and safety) and (15)(Promotion of public welfare).

Section 2. Findings of Fact / Statement of Purpose.

- A. **Findings of Fact.** The Town Board of the Town of Sherman finds as follows:
 - (1) That under the present codes and laws of the Town of Sherman there are no restrictions or controls prohibiting livestock from roaming free and trespassing on public and private highways and lands unattended.
 - (2) That in order to provide for the orderly growth and proper functioning of the Town of Sherman, it is necessary to impose certain restrictions on livestock with respect to their running free and trespassing on public and private highways and lands.
- B. **Statement of Purpose.** The Town Board of the Town of Sherman recognizes that the

failure to confine livestock and allowing such domestic animals to roam free and to trespass on public and private highways unattended and on public and private lands without permission of the owner or possessor of such lands, are injurious to the health, safety, and welfare of the Town of Sherman.

C. **Definitions.** As used in this Local Law, the following terms shall have the meanings hereinafter designated.

(1) *Livestock* - Shall mean:

(a) Cattle - one or more calves, heifers, cows, bulls, steers, oxen, or other bovines;

(b) Horses - one or more colts, ponies, stallions, geldings, mares, or other equines;

(c) Swine - one or more pigs, piglets, or hogs, and

(d) Sheep - one or more lambs, ewes, or rams

(e) Goats – one or more kids, does, or bucks.

(2) *Owner* - Shall mean the registered owner, if cattle or horses are entered on a public or private register of owners of such animals, and any person claiming or asserting any interest in cattle, horses, swine, or sheep, whether such claim or assertion is based on documentary or oral evidence.

(3) *Possessor* - Shall mean any person having cattle, horses, swine, or sheep in his possession or under his control, whether as a bailee or other agent of the owner.

(4) *Person* - Shall mean corporations, partnerships, unincorporated associations, as well as individuals.

(5) Throughout this Local Law, the use of the singular shall include the plural and vice versa, and the use of the masculine shall include the feminine and vice versa.

D. **Confinement of Livestock.** Every owner and/or possessor of livestock shall keep such animals securely and safely confined to his own lands. by adequate fencing or other lawful restraints and shall not allow such animals to roam unattended on public or private lands or highways.

E. **Presumption.** If livestock are found unattended on public or private highways, or are discovered on public or private lands, other than lands owned or leased by the owner and/or possessor of such animals, it shall be presumed that the owner and/or possessor of such animals failed to confine or restrain such animals in a proper manner as specified herein, and the burden of proving proper confinement or restraint shall be on the owner and/or possessor of such animals.

F. **Penalties & Enforcement.**

(1) Repeat offences of any and every violation of the provisions of this Local Law by any person shall be deemed to be an offense against such Local Law, punishable by a fine not exceeding \$300.00 or imprisonment not exceeding 15 days, or both. Each

additional animal found at large during a single offense shall be punishable by a fine not exceeding \$100.00 per animal. For any subsequent offense of the same nature within 45 days of the first offense, the fines stated above shall be doubled.

- (2) Any code enforcement officer, animal control officer, peace officer, when acting pursuant to his special duties, or police officer upon observing a violation of this article may issue and serve an appearance ticket for such violation.
- (3) In addition to the above provided penalties and punishment, the Town Board may Also maintain an action or proceeding in the name of the Town and the Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such Local Law.

Section 3. Severability.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 4. Effective Date.

This local law shall take effect immediately upon its filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

MOTION CARRIED

Supervisor Mark Persons – AYE
Councilman James Higginbotham – AYE
Councilman Howard Crump - AYE

Councilwoman Bessie Endress - AYE
Councilman Ben Nickerson - AYE

RESOLUTION #6

A blanket motion was offered by Councilman James Higginbotham made the motion, seconded by Councilman Howard Crump to approve the following appointments, rates and designations for the Town in 2022:

Agree to renew the Library Contract of \$10,000.00.

The Jamestown Post-Journal will be the official newspaper.

Review Local Law #2-1992 covering Public Officials. This law is still in place.
This is covered through Edwards Insurance.

Community Bank, N.A., Sherman Branch was designated as depository for the Town.
Community Bank will also be used for investment purposes.

The Town Board meetings will continue to be held on the first Thursday of each month at 7:00 PM. Meetings will be held at the Town Office Building. If the first Thursday falls on a holiday, then the meeting will be held the following Thursday.

The Supervisor was authorized to invest any idle funds in accounts covered by FDIC or those which are backed by government agencies. The investment policy was signed by the board members and the supervisor.

The salaries of town officials will be the same as stated on the approved budget for 2022. The Assessor, Highway Superintendent, Court Clerk, Town Clerk, Bookkeeper and Highway employees will be paid every two weeks. The Code Enforcement officer, Town Supervisor, Board Members and Justices will be paid monthly. The Cemetery workers as well as the dog control officer will be paid as their vouchers are turned-in.

The rate of pay for the Board of Reviews will be \$110.00 for Chairman, Paul Sears (term running from October 1, 2018 through September 30, 2023), and \$100.00 for Larry Jackson (term Oct. 1, 2020 through September 30, 2025). The third member will be appointed at the March board meeting and will be paid \$100 with the term being Oct. 1, 2022 through September 30, 2026).

Joel Seachrist will be the Town attorney.

It was agreed to authorize the Highway Superintendent to spend a maximum of \$500.00 for the purchase of small tools and equipment without prior Board approval.

Kelly Thorton will be dog control officer, with a \$15.00 per hour rate of pay.

The Town will continue the contract with CHAUTAUQUA COUNTY HUMANE SOCIETY to take care of boarding stray dogs in the Town of Sherman as follows: \$15 per day board fee, \$50 for each dog euthanized & cremated, \$5 for each dog to cover administrative fees.

The purchase of gravel for 2022 will be a maximum of \$5.50 a ton.

The Highway Superintendent was authorized to advertise for various road postings and necessary material bids.

All board members will serve on the Highway and Drainage Committee, Shared Services Committee, Ethics Board, and the Machinery and Building Committee.

Approval to continue shared services was given. The County Law Department will be notified of this.

Annette Swan was appointed as the Town Historian and be paid \$100 annually.

The court clerk will be Jody D'Anthony at a rate of pay of \$6,000 annually.

\$25,000 Employee Dishonesty including forgery and alteration coverage are included on the 2021 insurance policy. Excess limit of Employee Dishonesty coverage scheduled for Town Clerk/Tax Collector and Town Supervisor at \$100,000 each.

The Fire Contract for 2022 with the Stanley Hose Co., Inc. is \$42,969.00 as set in the 2022 budget. This amount will be paid to the Village on June 1, 2022.

The code enforcement officer will be Greg Osman. He is responsible for approving and delivering building permits.

Theresa Tallman will remain the deputy town clerk and deputy registrar.

Mileage for 2022 will be \$.55 per mile.

James Higginbotham will remain the deputy supervisor. He will be paid \$100.00 annually.

Cory Emory will be the Saturday morning basketball director; Fred Gable Jr. & Kelly Gable will be the director for the summer baseball program.

The Sherman Historical Society will be paid \$400.00 for the regular annual contribution amount.

The rate for the Towns contribution for health insurance will be \$9,500.00 annually for a family policy, \$7,500.00 for an employee + child \$9,000 for an employee + spouse and \$5,500.00 annually for a single policy. The amount will be divided equally over the employees' scheduled pay periods.

The sexual harassment policy remains in place.

The drug and alcohol contract remains effective with Langford Testing & Consulting, LLC.

Terms and conditions of employment will remain in effect.

Work Rules will remain in effect.

Highway employees rates of pay are: Michael Courtney \$21.36 per hour, Michael Zemicik \$21.07 per hour, and Ryan Robson \$18.00 per hour with a \$1.50 increase at his 6 month employment. Mr. Courtney's hourly rate includes a \$.15 incentive for being the Deputy Superintendent.

Graves at Sherman Cemetery and Sherman Valley Cemetery will stay at \$400.00 per grave. Wait Corners Cemetery will be \$250.00 per grave (a baby lot will be \$150.00). The cost of opening a grave is \$300.00 per adult grave. Ashes or a baby grave opening will be \$150.00. There will be an additional \$100.00 charge for any burial that occurs on a weekend or holiday. Foundations will be \$25.00 per cubic foot, with a minimum charge of \$100.00.

The agreement to spend highway funds was approved and signed in duplicate by the board members, supervisor, and superintendent.

Marriage licenses will remain at \$40.00.

The Cemetery Sexton will be paid \$15.50 per hour and assistant will be paid \$13.20 per hour.

MOTION CARRIED.

Supervisor Mark Persons – AYE

Councilwoman Bessie Endress - AYE

Councilman James Higginbotham – AYE

Councilman Ben Nickerson - AYE

Councilman Howard Crump - AYE

- Discussion and questions were held regarding the 2022 Youth Program. Supervisor Mark Persons presented the following Youth Budget for 2022;

2022 YOUTH RECREATION PROGRAM BUDGET

TOWN OF SHERMAN

Saturday Morning Basketball	Director's Salary	\$ 500.00
	Expenses	\$ 650.00

	Misc. Expenses	\$ 200.00
Tee-ball, Pee-wee, & Little League	Directors' Salary (2)	\$ 800.00
	Expenses	\$ 800.00
Liability & Medical Insurance		\$ 750.00
Benefits		\$ 300.00
TOTAL BUDGETED EXPENDITURES		\$ 4,000.00

REVENUE BUDGET

<u>Town Of Sherman</u>	<u>\$2,500.00</u>
TOTAL REVENUE 2022	\$ \$2500.00

1/6/2022 Youth Checking Account Balance	\$252.63
1/6/2022 Youth Savings Account Balance	\$4,873.41

If Sherman Central School does a program for the Summer of 2022 the Town will discuss an amount to contribute to the program.

RESOLUTION #7

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson to accept the 2022 Youth Recreation Program Budget as presented.

MOTION CARRIED.

Supervisor Mark Persons – AYE	Councilwoman Bessie Endress - AYE
Councilman James Higginbotham – AYE	Councilman Ben Nickerson - AYE
Councilman Howard Crump - AYE	

Councilman James Higginbotham made the motion to adjourn the meeting.

MEETING ADJOURNED AT 8:05 p.m.

Respectfully submitted,

Tamera M Weise, Town Clerk