

VILLAGE OF SHERMAN

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

Tuesday, November 12, 2024, at 6:00pm

Mayor Meeder opened the meeting with the Pledge of Allegiance at 6:00pm. Board members Colleen Meeder, Ryan Sanders, Gary Emory, Dennis Watson, and Danielle Crane; and Clerk-Treasurer Jeanette Ramm were in attendance.

RES 2024-11-12.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held Wednesday, October 9, 2024, and the Special Meeting held on the morning of October 29, 2024.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

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

Moved by Trustee Crane Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

The trustees discussed adding the term “Non-Food” to the Mobile Vendors portion of Local Law 2 of 2022. This will be further examined for more clarity in anticipation of a wider variety of vendors at future events.

168 PARK ST ORDER TO REMEDY

The Enforcement Officer of Code and Zoning has issued a Notice of Violation and Order to Remedy for the property located at 168 Park Street, which includes trash removal and rodent abatement by November 13th, 2024. This is in accordance with Village Zoning Code, NYS Property Maintenance Code, and the Village of Sherman Local 2-2023 “Remediation of Infestation, Pests, Vermin”.

RES 2024-11-12.2: ORDER TO REMEDY BY EXTERMINATION AT 168 PARK ST

Motion to approve and authorize the enforcement officer of code and zoning to hire an extermination company to remediate the pest infestation at 168 Park Street after the expiration of the Order to Remedy of November 13, 2024, in accordance with Village of Sherman Local Law 2-2023 “Remediation of Infestation, Pests, Vermin”; and direct the clerk-treasurer to send an invoice to the owner for all expenses in connection with the proceedings to clean up, remove, or remediate conditions on premises specified, which shall be assessed against the land upon which the violations occurred and shall be levied and collected in the same manner as provided for the levy and collection of municipal taxes.

Moved by Trustee Watson 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 Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- Mr. Irwin is ready to begin the Park Street Sewer Extension. We have received the full payment for the grinder pumps from all the participating residents, except one, which we will rebill for the outstanding balance.

STREETS

- Mr. Crane will complete the sidewalk repairs in front of 110 and 114 West Main Street before the Lighted Tractor (Christmas) Parade.
- He is currently repairing the snowmobile bridge down near the Wastewater Treatment Plant.
- Mr. Crane has started preparations for the driveway, but we will not submit the \$550 payment to the DOT for the permit until we receive the signed **MHLU**.

CAPITAL PROJECT UPDATES

STORMWATER

- The first change order is for the Drop Inlet (DI14) on West Main Street in front of the Deering and Peck properties that is being changed from a round pipe to a square pipe which requires additional earth moving equipment.
- The second change order, along the corner of Franklin Street, was delayed because the DOT had questions about ADA accessibility, which sent the changes through a chain of departments and committees, including having the contractor, Legend, estimate the new value of the work, because the change order became more extensive than just the corner. It then required getting pre-approval and authorization from USDA Rural Development which we will approve tonight. The follow up meeting is tomorrow and then Legend can schedule the concrete for the sidewalk around the corner, hopefully before the snow comes.

NYMS AWARD

- This project should be wrapping up shortly, as we process the final invoices from Bone Creek and The Cooler for reimbursement.

EV CHARGING STATIONS – EV Connect made the corrections to the warranty extension contract which we have sent to the NYSDEC. Once this is approved, we should receive the rebate and close the project.

COMMITTEE & AGENCY UPDATES

Solar Project – The easements have been executed for the poles on Hart Street.

Steering Committee / Stakeholders Committee met on Monday October 14, 2024, at 6:30pm and spent a lot of time reviewing the Village's NY Forward application. The mayor expressed how appreciative she was of their commitment to this community.

Restore NY Grant – the Village submitted a letter of intent on Wednesday, October 23, and hope to hold the public hearing at the project site for the community. It would be a short 15-minute presentation but requires legal postings for three consecutive days in the newspaper prior to the event, and the event must be held before the application is submitted (due Friday, December 20, 2024) which makes the timeline delicate.

Preserve NY Grant – We haven't heard any news yet regarding the TAG Grant we applied for to review the conditions of Peter Ripley House.

NY Forward – The application to NYS DOS through the WNY REDC was submitted and now we have an interview on Wednesday, November 13th. The interview will include a video of our projects and Q&A with the mayor along with Danielle Crane (Trustee), Kevin Goree (WRTS), Jacob Bodway (CC Trail Coordinator) and Matt Zarbo for technical Assistance.

Chamber of Commerce – Their next meeting is Wednesday, November 13, at 9am, at the Village Office. The focus will be on the upcoming Christmas - Lighted Tractor Parade.

MAYOR

- The Single Audit with JMA (Johnson, Mackoviak and Associates, LLP) is ongoing.
- Hazel Halter wrote a lovely letter of appreciation for the work that Streets Superintendent, Doug Crane, does and included a donation of \$50.00 to the village.

PUBLIC PARTICIPATION

There was no public at the meeting.

FINANCIAL REPORTS FROM CLERK-TREASURER:

Community Bank Accounts:

General Checking Account: Balance (11/12/2024) is \$32,939.21 & book balance (\$55,893.45)

NYS Fund Bank Account: Balance (11/12/2024) is \$90,580.16 & book balance \$16,955.16

Sewer Project Bank Account: Balance (11/12/2024) is \$24,126.60 & book balance \$18.80

Bldg/Wtr Project Bank Acct: Balance (11/12/2024) is \$3.12

Parks Fund Account: Balance (11/12/2024) is \$801.30

Stormwater Fund Account: Balance (11/12/2024) is \$266,618.75 & book balance \$87,297.09

Climate Smart Account: Balance (11/12/2024) is \$14,034

Debt Service Account: Balance (11/12/2024) is \$47.84

Reserve Account: Balance (11/12/2024) is \$33.04

NYCLASS Account: Balance (11/12/2024) is \$452,178.94

Of which is: General Funds \$244,457.12

Capital Funds \$139,203.22

Contains Stormwater BAN proceeds and Water Project Balance

Debt Funds \$40,527.35

Repair Reserve Funds \$27,991.25

Receipts: Total \$132,231.22

RES 2024-11-12.3: VOUCHER #6 2025

Motion to accept Voucher #6 for \$591,234.78 for October 2024, of which \$826.25 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, \$473,328.88 is from the Stormwater Project Fund, and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

NY State Revenue Sharing - “AIM Funding” - Aid and Incentives for Municipalities. The Village of Sherman amount is \$5,277, (since prior to 2017). This year the Village received an additional \$369 in “Temporary Municipal Assistance”.

RES 2024-11-12.4: NY STATE AIM FUNDING SUPPORT

**RESOLUTION IN SUPPORT OF CONTINUED AND INCREASED
STATE AID FOR LOCAL GOVERNMENTS**

WHEREAS, until 2024, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years, significantly impacting their ability to provide essential services to their residents; and

WHEREAS, after a prolonged period without financial support, local governments finally received an increase of \$50 million in unrestricted state aid; and

WHEREAS, local officials express their gratitude for the \$50 million increase in unrestricted state aid, recognizing it as a positive step towards addressing long-standing funding challenges; and

WHEREAS, the State has referred to this new aid as Temporary Municipal Assistance, suggesting that such increase may not continue, jeopardizing the sustainability of crucial municipal programs and services; and

WHEREAS, the property tax cap further limits the ability of local governments to properly fund the programs and services their residents need; and

WHEREAS, increased and ongoing state aid for local governments is vital for maintaining infrastructure, public safety, housing and other municipal services; and

WHEREAS, the challenges of inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid only accentuate the need for consistent and predictable funding to effectively plan for the future and meet the growing needs of their residents;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Sherman calls upon the Governor and the State Legislature to commit to continuing the additional \$50 million in unrestricted state aid in the 2025-26 State Budget and beyond, and

BE IT FURTHER RESOLVED, that the Village of Sherman urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Borrello, Assemblymember Goodell and the New York State Conference of Mayors (NYCOM).

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 Watson, 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 this 12th day of November 2024.

Main Street Stormwater Improvements: additional Time & Materials on West Main Street Drainage Structure 1-14.

RES 2024-11-12.5: MAIN ST STORMWATER CHANGE ORDER #2 – CONTRACT 1A

Motion to approve and authorize the mayor to sign the second Change Order for the Main Street Stormwater Improvement Project with Legend Excavating, LLC, the general contractor; for construction related to W Main Street as follows:

This change order includes a change in scope due to unforeseen circumstances encountered during the installation of DS 1-14 on the north side of W Main St. The change in scope is for additional materials including concrete, crushed gravel, and wood for forming, as well as labor for expanding the opening in the existing laid-up stone culvert, forming and pouring concrete, and increasing the opening width of the top-slab, per the Owner’s request. The cost of this change order will be \$7,702.36 (see attached estimate), resulting in the Contract Price being increased from \$1,137,143.88 to \$1,144,846.24.

Attachments:

- Cost Estimate, prepared by Legend Excavating, dated October 21, 2024
- Material Invoices and Supporting Information, provided by Legend Excavating

Change in Contract Price	Change in Contract Times [State Contract Times as either a specific date or a number of days]
Original Contract Price: \$ 1,078,808.88	Original Contract Times: Substantial Completion: <u>September 25, 2024</u> Ready for final payment: <u>October 25, 2024</u>
Increase from previously approved Change Order No. 1 \$ 58,335.00	Increase from previously approved Change Order No.1 Substantial Completion: <u>+249 days</u> Ready for final payment: <u>+249 days</u>
Contract Price prior to this Change Order: \$ 1,137,143.88	Contract Times prior to this Change Order: Substantial Completion: <u>June 1, 2025</u> Ready for final payment: <u>July 1, 2025</u>
Increase this Change Order: \$ 7,702.36	(Increase) (Decrease) this Change Order: Substantial Completion: _____ Ready for final payment: _____
Contract Price incorporating this Change Order: \$ 1,144,846.24	Contract Times with all approved Change Orders: Substantial Completion: <u>June 1, 2025</u> Ready for final payment: <u>July 1, 2025</u>

On the motion of Trustee Emory, seconded by Trustee Sanders, 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 this 12th day of November 2024.

Franklin Street – design plan changes along upper east side of Franklin Street:

RES 2024-11-12.6: MAIN ST STORMWATER CHANGE ORDER #3 – CONTRACT 1A

Motion to approve and authorize the mayor to sign the third Change Order for the Main Street Stormwater Improvement Project with Legend Excavating, LLC, the general contractor, for construction related to Franklin Street as follows:

This change order is for a change in scope to include the restoration work shown on the attached Sheet SK-1 – Franklin Street Sketch prepared by B&L and the Franklin Street Sketch prepared by Legend Excavating. The additional scope includes full depth pavement restoration, two (2) street parking spaces, integrated gutter curbing, sidewalk to facilitate positive drainage to previously installed drainage structures, restoration of vegetated areas along Franklin Street, and new paved apron entrances to the parking lot on the east side of Franklin Street. The cost of this change order will be \$173,000.00 (see attached cost estimate), resulting in the Contract Price being increased from \$1,144,846.24 to \$1,317,846.24.

Attachments:

- 2056.013.001 Franklin Street Sketch SK-1 dated October, 2024
- Franklin Street Sketch, prepared by Legend Excavating, dated October 19, 2024
- Cost Estimate, prepared by Legend Excavating, dated November 8, 2024

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>1,078,808.88</u>	Original Contract Times: Substantial Completion: <u>September 25, 2024</u> Ready for final payment: <u>October 25, 2024</u>
Increase from previously approved Change Orders No. 1 to No. 2: \$ <u>66,037.36</u>	Increase from previously approved Change Orders No. 1 to No. 2: Substantial Completion: <u>+249 days</u> Ready for final payment: <u>+249 days</u>
Contract Price prior to this Change Order: \$ <u>1,144,846.24</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 1, 2025</u> Ready for final payment: <u>July 1, 2025</u>
Increase this Change Order: \$ <u>173,000.00</u>	Increase [Decrease] this Change Order: Substantial Completion: _____ Ready for final payment: _____
Contract Price incorporating this Change Order: \$ <u>1,317,846.24</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 1, 2025</u> Ready for final payment: <u>July 1, 2025</u>

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 this 12th day of November 2024.

RES 2024-11-12.7: B&L STORMWATER ENGINEERING CONTRACT AMENDMENT #3
 Motion to approve Amendment #3 to the agreement between the Village of Sherman and Barton & Loguidice for a no-cost fee shift to the Main Street Stormwater Infrastructure Improvements project, effective November 13, 2024.

Main Street Storm Sewer Infrastructure Improvements							
Phase	Task	Original Amount	Amendment No. 1	Total Fee to Date	Total Billed to Date 10/19/24	Amendment No. 3 No-Cost Fee Shift	Amendment No. 3 Revised Fees
2	Basic Services:						
	a. Prelim. Design Phase	\$ 43,500.00	\$ -	\$ 43,500.00	\$ 43,500.00		\$ 43,500.00
	b. Final Design Phase	\$ 47,000.00	\$ -	\$ 47,000.00	\$ 47,000.00		\$ 47,000.00
	c. Bidding Phase	\$ -	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00		\$ 12,000.00
	d. Construction Phase	\$ -	\$ 43,000.00	\$ 43,000.00	\$ 41,027.17	\$ 13,000.00	\$ 56,000.00
	e. Post-Construction Phase	\$ -	\$ 4,000.00	\$ 4,000.00	\$ -	\$ (2,000.00)	\$ 2,000.00
3	Additional Services:						
	a. Subcontract Admin.	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,496.00	\$ (4.00)	\$ 1,496.00
	Subcontracted Services:						\$ -
	1. Survey & Mapping	\$ 17,625.00	\$ -	\$ 17,625.00	\$ 17,623.75	\$ (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	\$ 2,000.00		\$ 2,000.00
	d. ROW Assist. & Mapping	\$ -	\$ 2,300.00	\$ 2,300.00	\$ 2,295.00	\$ (5.00)	\$ 2,295.00
	e. Permits and Approvals	\$ 8,375.00	\$ -	\$ 8,375.00	\$ 8,375.00	\$ 2,200.00	\$ 10,575.00
	f. Funding Assistance	\$ 2,000.00	\$ 2,500.00	\$ 4,500.00	\$ 4,500.00		\$ 4,500.00
	g. Record Drawings / O&M Man./ Start Up	\$ -	\$ 4,000.00	\$ 4,000.00	\$ -	\$ (2,500.00)	\$ 1,500.00
	h. Reimbursable Expenses	\$ 3,000.00	\$ 2,000.00	\$ 5,000.00	\$ 939.53	\$ (3,489.75)	\$ 1,510.25
	i. Other Additional Services (A2.02 from Exhibit A)	TBD	\$ -	\$ -	\$ -		\$ -
4	Resident Project Rep.	\$ -	\$ 55,200.00	\$ 55,200.00	\$ -	\$ (7,200.00)	\$ 48,000.00
	Total Fees	\$125,000.00	\$125,000.00	\$250,000.00	\$180,756.45	\$ -	\$ 250,000.00

This Amendment No. 3 for the Main Street Stormwater Infrastructure Improvement Project only, shall amend and modify Original Agreement Exhibit C – Compensation Packet, Section C2.03 Other Provisions Concerning Payment, Article A. as follows:

“ Whenever Engineer is entitled to compensation for the charges of Engineer’s Consultants, those charges shall be the amounts billed by Engineer’s Consultants to Engineer times a factor of **1.1500.**”

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

Currently there is \$183,000 credit due, ‘before athletic field ext.’, for the final Change Order to Contract 1A reflecting the over/under amount from the original contract bid.)

RES 2024-11-12.8: STORMWATER BUDGET REVISION OF FORM E #3

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 12th day of November, 2024, at 6:00 o’clock p.m., the following resolution was offered by Trustee Emory who moved its adoption, seconded by Trustee Crane, 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 #3:

- B.2e** Post Construction Phase to be decreased by \$2,000.00
 - B.3a** Subcontract Admin to be decreased by \$4.00
 - B.3b1** Surveying & Mapping to be decreased by \$1.25
 - B.3d** ROW Assistance to be decreased by \$5.00
 - B.3g** Record Drawings to be decreased by \$2,500.00
 - B.3h** Reimbursable Expenses to be decreased by \$3,489.75
 - B.4a** Resident Inspection to be decreased by \$7,200.00
 - C.2a** Upper Basin Construction to be decreased by \$67,846.24
 - D.1** Contingency to be decreased by \$171,191.12 (\$254,237.36)
- And
- B.2d** Construction Phase to be increased by \$13,000.00
 - B.3e** Permits to be increased by \$2,200.00
 - C.1a** Construction Contract 1A to be increased by \$239,037.36 \$254,237.36

The reason for these modifications is to update the allocation of costs within Amendment #3 of the contractual agreement with Barton & Loguidice for the engineering services for the Main Street Stormwater Improvements approved under RES 2024-11-12.7; and the construction of the Main Street Stormwater Improvements to Church Street Change Order #1 to Contract 1A with Legend

Excavating, LLC under RES 2024-10-09.6, W Main Street Change Order #2 to Contract 1A with Legend Excavating, LLC under RES 2024-11-12.5, and Franklin Street Change Order #3 to Contract 1A with Legend Excavating, LLC under RES 2024-11-12.6.

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 November 12, 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 12th day of November 2024.

RES 2024-11-12.9: RESTORE NY SCHEDULE PUBLIC HEARING

Motion to schedule the Special Meeting of the Village of Sherman Board of Trustees to hold a Public Hearing of the Restore NY Application, Round 9, at a time and location to be determined, and give the clerk permission to run the legal notice for three consecutive days a week in advance.

Moved by Trustee Watson Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

The Public Hearing was scheduled for Monday, December 16th, in the Village Office at 111 Mill Street at 6:00pm.

RES 2024-11-12.10: HCC INSURANCE POLICY EXTENSION – CORRECTION

Motion to *correct* previous Resolution 2024-10-09.11 to extend the current insurance policy under Tokio Marine / HCC Insurance effective 11/11/2023-11/11/2024 through to **05/01/2025**, at the current rates; and approve the mayor to execute all related documents and authorize payments to WNY Insurance Agency.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

Motion to move into Executive Session at 6:43pm to discuss legal and contractual issues, with possible action to be taken following the executive session.

Moved by Trustee Watson Seconded by Trustee Sanders

Ayes: 5 Nays: 0 Carried

Returned to the regular meeting at 7:03pm.

Motion to adjourn the meeting at 7:20pm.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

Respectfully submitted,

Jeanette Ramm

Clerk-Treasurer

**Next Meeting: Regular Meeting Wednesday, December 11, 2024, at 6pm.
Public Hearing Monday, December 16, 2024, at 6pm.**